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13 UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA  
15

16 ROBERT MITCHELL, *et al.*,

17 Plaintiffs,

18 v.

19 MATTHEW CATE, *et al.*,

20 Defendants.

No. 08-CV-1196 TLN EFB

**CRAIG HANEY'S EXPERT REPORT AND  
DECLARATION IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION**

Magistrate Judge: Hon. Edmund F. Brennan

Date: June 12, 2013

Time: 10:00 a.m.

Courtroom: 24

Action Filed: May 30, 2008

21  
22  
23  
24  
25 I, Craig Haney, declare:

26 I have personal knowledge of the matters set forth herein and if called as a witness I  
27 could competently so testify.  
28

1 **I. Introduction**

2 1. I am a Professor of Psychology and former Chair of the Department of  
3 Psychology at the University of California at Santa Cruz. I am currently the Director of the  
4 Graduate Program in Social Psychology and Director of the Legal Studies Program. I have been  
5 teaching graduate and undergraduate courses in social psychological theory, research  
6 methodology, psychology and law, and institutional analysis at the University of California for  
7 35 years. I received a Ph.D. in Psychology from Stanford University and a J.D. degree from the  
8 Stanford Law School. I have been the recipient of a number of scholarship, fellowship, and other  
9 academic awards and have published over one hundred scholarly articles and book chapters on  
10 topics in law and psychology, including encyclopedia and handbook chapters on conditions of  
11 confinement and the psychological effects of incarceration. My book on the psychological  
12 consequences of imprisonment, *Reforming Punishment: Psychological Limits to the Pains of*  
13 *Imprisonment*,<sup>1</sup> was published by the American Psychological Association in 2006. (My  
14 curriculum vita is attached as Appendix A.)

15 2. For approximately 40 years, I have been studying the psychological effects of  
16 living and working in institutional environments. In the course of that work, I have conducted  
17 what is perhaps the only laboratory experiment ever done on the acute psychological effects of  
18 prison-like environments.<sup>2</sup> This research, which has come to be known as the “Stanford Prison  
19

20 <sup>1</sup> Craig Haney, *Reforming Punishment: Psychological Limits to the Pains of Imprisonment*.  
Washington, DC: APA Books (2006).

21 <sup>2</sup> This study was originally published as Haney, C., Banks, C., and Zimbardo, P., Interpersonal  
22 Dynamics in a Simulated Prison, 1 *International Journal of Criminology and Penology* 69  
23 (1973), and has been reprinted in numerous books in psychology and law and translated into  
24 several languages. For example: Steffensmeier, D., and Terry R. (Eds.) *Examining Deviance*  
25 *Experimentally*. New York: Alfred Publishing, 1975; Golden, P. (Ed.) *The Research*  
26 *Experience*. Itasca, Ill.: Peacock, 1976; Leger, R. (Ed.) *The Sociology of Corrections*. New  
27 York: John Wiley, 1977; *A kiserleti tarsadalom-lelektan foarma*. Budapest, Hungary:  
28 Gondolat Konyvkiado, 1977; Johnston, N., and Savitz, L. *Justice and Corrections*. New York:  
John Wiley, 1978; *Research Methods in Education and Social Sciences*. The Open University,  
1979; Goldstein, J. (Ed.), *Modern Sociology*. British Columbia: Open Learning Institute, 1980;  
Ross, R. (Ed.) *Prison Guard/Correctional Officer: The Use and Abuse of Human Resources of*  
*Prison*. Toronto: Butterworth's 1981; Monahan, J., and Walker, L. (Eds.), *Social Science in*  
*Law: Cases, Materials, and Problems*. Foundation Press, 1985; Siuta, Jerzy (Ed.), *The Context*  
*of Human Behavior*. Jagiellonian University Press, 2001; and Ferguson, Susan (Ed.), *Mapping*

(Footnote Continued on Next Page.)

1 Experiment,” is regarded as a classic social psychological study of the effects of institutional  
2 environments.<sup>3</sup> For the more than 40 years since that study was completed, I have continued to  
3 study and publish scholarly articles on the psychology of imprisonment. That research has  
4 included conducting numerous interviews with correctional officials, officers, and prisoners to  
5 assess the nature and consequences of living and working in correctional settings. In addition, I  
6 have statistically analyzed aggregate correctional data to examine the effects of overcrowding,  
7 punitive segregation, and other conditions of confinement on the quality of prison life and the  
8 ability of prisoners to adjust to them.

9 3. In addition, I have toured and inspected and analyzed conditions of confinement  
10 at numerous state prisons (including in Alabama, Arkansas, Arizona, California, Florida,  
11 Georgia, Idaho, Louisiana, Massachusetts, Montana, New Jersey, New Mexico, Ohio,  
12 Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wyoming), maximum security  
13 federal prisons (at McNeil Island, Washington; Marion, Illinois; and the Administrative  
14 Maximum facility in Florence, Colorado), as well as prisons in Canada, Cuba, England,  
15 Hungary, and Russia. In 1989, I received a UC-Mexus grant to conduct a comparative study of  
16 prisons and prison policy in the United States and Mexico. As a result of that research grant, I  
17 toured a number of Mexican prisons, interviewed correctional officials and, in conjunction with  
18 United States Department of State officials, interviewed many United States citizens who were  
19 incarcerated in Mexico.

20 4. I have lectured and given invited addresses throughout the country on the  
21 psychological effects of living and working in institutional settings (especially maximum  
22 security prisons) at various law schools, bar associations, university campuses, and numerous

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(Footnote Continued from Previous Page.)

24 *the Social Landscape: Readings in Sociology*. St. Enumclaw, WA: Mayfield Publishing, 2001;  
25 Pethes, Nicolas (Ed.), *Menschenversuche (Experiments with Humans)*. Frankfurt, Germany:  
Suhrkamp Verlag, 2006.

26 <sup>3</sup> The American Psychological Association sponsored a “retrospective” commemorating the 25th  
27 anniversary of this study at its Annual Convention a decade ago. *See, also*, Haney, C., and  
28 Zimbardo, P., *The Past of Future of U.S. Prison Policy: Twenty-Five Years After the Stanford  
Prison Experiment*, *53 American Psychologist* 709-727 (1998).

1 professional psychology organizations such as the American Psychological Association. I have  
2 also served as a consultant to numerous governmental, law enforcement, and legal agencies and  
3 organizations, including the Palo Alto Police Department, the California Judicial Council,  
4 various California Legislative Select Committees, the National Science Foundation, the  
5 American Association for the Advancement of Science, the NAACP Legal Defense Fund, and  
6 the United States Department of Justice.

7           5. For example: In the summer of 2000, I was invited to attend and participated in a  
8 White House Forum on the uses of science and technology to improve crime and prison policy,  
9 and in 2001, I participated in a conference jointly sponsored by the United States Department of  
10 Health and Human Services (DHHS) and the Urban Institute concerning government policies  
11 and programs that could better address the needs of formerly incarcerated persons to facilitate  
12 their reintegration into their home communities. I continued to work with DHHS and other  
13 organizations on the issue of how best to maximize the success of recently released prisoners. I  
14 taught for several years in the National Institute of Corrections-sponsored "Correctional  
15 Excellence" program, designed to instruct especially promising, high-level correctional  
16 administrators from around the country on prison "best practices." In 2005, I was the Scholar-in-  
17 Residence at the Center for Social Justice, at the Boalt Hall School of Law, a role that included  
18 delivering an invited lecture at the school on the psychological effects of conditions of  
19 confinement and consulting with law students and faculty members on a variety of prison-related  
20 issues. And, in 2012, I was appointed as a member of the National Academy of Sciences  
21 committee studying the causes, consequences, and solutions to the high rates of incarceration in  
22 the United States (a committee on which I continue to serve).

23           6. In addition to the research I have conducted into the psychological effects of  
24 confinement and patterns of adjustment in institutional settings, I also have extensive experience  
25 evaluating the life histories and psychological reactions of individual clients in the criminal  
26 justice system. Beginning as a Law and Psychology Fellow at the Stanford Law School in the  
27 mid-1970s, I participated for several years in an intensive clinically-oriented course co-taught by  
28 law professor Anthony Amsterdam and psychiatrist Donald Lunde that sensitized me to the

1 special problems and vulnerabilities of psychiatrically impaired criminal defendants and  
2 prisoners with special needs. Since that time I have been extensively involved in teaching and  
3 conducting research on a variety of forensic issues that have placed me in continuing contact  
4 with diverse prisoner populations, many of whose members suffer from adverse effects of  
5 institutionalization, as well as pre-existing psychiatric disorders and developmental disabilities.<sup>4</sup>

6         7. For example, over the last 25 years I also have been studying the backgrounds  
7 and social histories of persons accused and convicted of violent crime. In the course of this  
8 research, I have evaluated the background and social histories of defendants and convicted  
9 persons, carefully assessed the effects of prior periods of institutionalization, and analyzed the  
10 ways in which these factors have influenced their development and psychological functioning.  
11 Much of that work has entailed an assessment of the potentially adverse effects of their  
12 institutional histories as well as evaluations of their potential for future prison adjustment.

13         8. My interest in these broad issues within the general area of psychology and law is  
14 both academic and professional. Thus, in the course of my work on conditions of confinement,  
15 adjustment to incarceration, and effects of institutionalization on persons accused or convicted of  
16 violent crime, I have been qualified and have testified as an expert in various state and federal  
17 courts, including the Superior Courts of Lake, Los Angeles, Marin, Monterey, Orange,  
18 Sacramento, San Diego, San Francisco, and Ventura counties in California, state courts in New  
19 Jersey, New Mexico, Oregon, Wyoming, and Utah, as well as Federal District Courts in the  
20 Western and Eastern Districts of Washington, the Northern, Southern, and Eastern Districts of  
21 California, the District Court of New Mexico, and the Southern District of Illinois.

22         9. In the course of this academic and professional work, I have also evaluated and  
23 testified concerning the psychological effects of conditions of confinement in the general  
24 population housing units of various maximum and medium security prisons in a number of states

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26 <sup>4</sup> For example, see Haney, C., and Specter, D., Legal Considerations in the Treatment of “Special  
27 Needs” Offenders, in Ashford, J., Sales, B., and Reid, W., (Eds.), *Treating Adult and Juvenile*  
28 *Offenders with Special Needs* (pp. 51-79). Washington, D.C.: American Psychological  
Association (2000).

1 (including California, New Jersey, New Mexico, Oregon, Utah, and Washington). For example, I  
2 have evaluated and provided testimony about the psychological effects of overcrowded  
3 conditions of confinement in the general population housing units at the California Men's  
4 Colony, the Correctional Training Facility, and Folsom and San Quentin prisons. In the mid-  
5 1980s I toured, inspected and conducted extensive interviews in a number of Texas prisons, and  
6 examined and analyzed numerous documents as the basis for an opinion about the psychological  
7 effects of overcrowding in the Texas Department of Corrections.

8 10. I have often focused in this work on the effects of conditions of confinement on  
9 so-called "special needs" prisoners (primarily the mentally ill and developmentally disabled). For  
10 example, under the auspices of the United States Department of Justice, I evaluated conditions of  
11 confinement and the quality of care provided at Atascadero State Hospital, a forensic facility  
12 designed to house mentally ill and developmentally disabled offenders for the State of California.  
13 Also, as noted above, I testified as an expert witness concerning conditions of confinement and  
14 their effects on prisoners at the California Men's Colony, which was a treatment-oriented facility  
15 in which many mentally ill prisoners were housed at the time I evaluated it. In addition, I  
16 evaluated the effects of conditions of confinement on prisoners at the California Medical Facility  
17 at Vacaville (including prisoners housed in the Department of Mental Health units),<sup>5</sup> and also  
18 testified about the prevalence of seriously mentally ill prisoners in the California Department of  
19 Corrections, as well as the special psychological problems that living in isolated housing units  
20 created for them.<sup>6</sup> I have also evaluated the psychological effects of conditions of confinement at  
21 juvenile justice facilities, on the condemned or "death row" units in several states (including  
22 Arkansas, California, New Mexico, and Texas), and in various special treatment facilities for sex  
23 offenders (in California, Florida and Washington).

24 11. In much of my research, writing, and testimony about prison conditions,  
25 especially in recent years, I also have focused on the assessment of the psychological effects of

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27 <sup>5</sup> *Gates v. Deukmejian*, Civ-S-87-1636 LKK-JFM (E.D. Cal.)(1990).

28 <sup>6</sup> *Coleman v. Wilson*, 912 F. Supp. 1282 (E.D. Cal. 1995).

1 confinement in “lockup,” punitive segregation, and “supermax” confinement (in what are  
2 variously known as management control, security housing, high security, or close management  
3 units).<sup>7</sup> This has included tours and inspections and interviews in a number of management  
4 control units as well as Security Housing Units in institutions in California and in several  
5 separate prisons or specialized units in each of the states of Florida, Louisiana, Massachusetts,  
6 New Mexico, Oregon, Pennsylvania, Texas, and Washington, as well as at the Federal  
7 Penitentiary at Marion, Illinois, and the Administrative Maximum facility in Florence, Colorado.  
8 I have testified about the effects of isolation and social deprivation in the Security Housing Unit  
9 at Pelican Bay State Prison,<sup>8</sup> and in several of the High Security Units in the Texas Department  
10 of Corrections.<sup>9</sup> I have also served as a consultant to and witness before various governmental  
11 agencies concerning the psychological effects of solitary confinement. For example, in June  
12 2012, I testified as an invited witness before the United States Senate Judiciary Subcommittee  
13 (chaired by Senator Richard Durbin) on the psychological effects of isolated confinement.

14       12. My expert testimony has been cited in *Brown v. Plata*, the recent U.S. Supreme  
15 Court opinion affirming a Three Judge Court’s order that the dangerous levels of overcrowding  
16 in California prisons made it impossible to cure constitutional defects in medical and mental  
17 health care, as well as the lower court opinion in that case.<sup>10</sup> My extensive research and  
18 investigation in that case was valuable in my work here: I have found that many of the severe  
19 psychological stressors imposed by extended race-based lockdowns are similar or identical to the  
20 stressors caused by life in an egregiously overcrowded prison.

21 \_\_\_\_\_  
22 <sup>7</sup> See, generally, Haney, C., and Lynch, M., *Regulating Prisons of the Future: The Psychological*  
23 *Consequences of Supermax and Solitary Confinement*, 23 *New York University Review of Law*  
24 *and Social Change* 477-570 (1997); and Haney, C., *Mental Health Issues in Long-Term Solitary*  
25 *and “Supermax” Confinement*, *Crime & Delinquency* (special issue on mental health and the  
26 criminal justice system), 49, 124-156 (2003) (hereafter, “Mental Health Issues in Solitary”).

27 <sup>8</sup> See *Madrid v. Gomez*, 889 F. Supp. 1146, 1280 (N.D. Cal. 1995).

28 <sup>9</sup> See *Ruiz v. Johnson*, 37 F. Supp. 855 (S.D. Texas 1999).

<sup>10</sup> *Brown v. Plata*, -- U.S. --, 131 S. Ct. 1910, 1932 and n.5, 1933 (2011); *Coleman v.*  
*Schwarzenegger and Plata v. Schwarzenegger*, -- F. Supp. 2d --, Nos. CIV S–90–0520 LKK  
JFM P and C01–1351 TEH, 2009 WL 2430820 at \*31, \*35, \*36, \*37, \*38, \*41, \*43, \*45, \*50,  
\*53, \*56, \*65, \*74, \*79, \*80, \*82, and \*86 (Aug. 4, 2009).

1 **II. Foundation for expert opinions**

2 13. Much of the experience outlined above is relevant to my expert opinion in this  
3 case, including decades of study and analysis of prison conditions and how they affect prisoners'  
4 mental health, thousands of interviews with prisoners in California and other states (including  
5 hundreds of interviews with people held under various types of isolation), my tours of dozens of  
6 prisons in other states, and interviews with hundreds of correctional staff and administrators.

7 14. In addition, I have undertaken an investigation specifically for the purposes of this  
8 case. I toured, reviewed institutional records, and interviewed prisoners in Salinas Valley State  
9 Prison (on January 29, 2013) and Kern Valley State Prison (on January 30, 2013). Each of these  
10 tours began with a review of institutional records and files pertaining to current or recent  
11 lockdowns at the facility (including Program Status Reports or "PSRs"), followed by tours of  
12 several different housing units where lockdowns were currently in effect. In the course of the  
13 tours of the housing units themselves, I was able to observe the conditions of confinement in the  
14 prisoners' cells, and to interview them in passing at the front of their cells to learn about the  
15 nature and effects of the lockdowns to which they were being subjected.

16 15. In April and May 2013 I interviewed 14 prisoners subjected to long-term race-  
17 based lockdowns, including two named plaintiffs. Several of those I interviewed had recently  
18 been moved to Administrative Segregation and were able to provide direct comparisons of their  
19 conditions of confinement. I intended to review these prisoners' mental health records, but the  
20 documents arrived the day before this Report was due; I will review them as soon as I am able.

21 16. I have reviewed the depositions of class representative Robert Mitchell as well as  
22 CDCR Director Jeffrey Beard and Warden Greg Lewis of Pelican Bay State Prison. I have  
23 reviewed CDCR documents regarding access to care: Bates numbers 001166-001167, 003737-  
24 003738, 003742-003743, 006658-006659, 006694-006701, and 007285-007287. I have also  
25 reviewed the U.S. Supreme Court decision in *Brown v. Plata* and the lower court order that it  
26 affirmed; Office of the Inspector General, Special Review Into the Death of Correctional Officer  
27 Manuel A. Gonzalez, Jr. on January 10, 2005, at the California Institution for Men, March 16,  
28 2005; Office of the Inspector General, Special Review into the Death of a Ward on August 31,



1 2005, at the N.A. Chaderjian Youth Correctional Facility, December 2005; and a spreadsheet  
2 prepared by plaintiffs' counsel detailing the duration and extent of lockdowns in California  
3 prisons from January 2010 to March 2013.

4 17. I also undertook several thorough literature reviews to ensure I was acquainted  
5 with the current thinking among psychologists, sociologists, criminologists, and other academics  
6 in relevant areas, including the psychological effects of solitary or isolated confinement, and the  
7 impact of perceived racial discrimination.

8 **III. Expert opinions**

9 **A. California's practice of frequent, extended, race-based lockdowns causes  
10 significant deprivation and harm**

11 18. To my knowledge, lockdowns are used in California prisons far more than in any  
12 other prison system in the country. This opinion is based on my extensive experience with the  
13 California prisons and my multiple contacts over many decades with corrections officials and  
14 prison psychologists and other staff in dozens of other states as well as colleagues who study  
15 conditions around the county. In other states, lockdowns are used as a last resort by systems that  
16 cannot control their prisoner populations any other way; in some California prisons they have  
17 become a way of life. For example, at Salinas Valley State Prison, Black and "Northern  
18 Hispanic" inmates in five buildings were locked down for nearly a year, from February 2012 to  
19 January 2013.<sup>11</sup> At Kern Valley State Prison, Black prisoners in eight buildings were locked  
20 down for 221 days in 2012; between January 11, 2012, and August 22, 2012, they were off  
21 lockdown for only five days. At SATF, so-called "Southern Hispanics" and Mexican nationals  
22 in eight housing units were locked down repeatedly for a total of more than 200 days in the eight  
23 months from October 2011 to June 2012. At Wasco State Prison, Black inmates in one building  
24 were locked down for 191 days in late 2011 through 2012, released for 17 days, and locked  
25 down again for four more days.

26 \_\_\_\_\_  
27 <sup>11</sup> This data and that cited in the rest of this paragraph is from the spreadsheet provided for me by  
28 plaintiffs' counsel.

1           19. Lockdowns, particularly race-based lockdowns, have been a central feature of  
2 California prison administration for so long that administrators and staff have normalized their  
3 use. I believe that many who work in the California prisons have genuinely lost the ability to  
4 recognize the appalling nature of this practice: the confinement of hundreds of grown men to tiny  
5 cells for nearly 24 hours each day – cells in which they must eat three meals, sleep, defecate,  
6 exercise, and pray – for weeks, months, and even years without visits from their families, work,  
7 school, substance abuse treatment, or any sort of normal social interaction. And the reason for  
8 most of these lockdowns? Solely that another prisoner of the same race violated prison rules or  
9 committed an in-prison crime.

10           20. In fact, lockdowns usually prove to be highly counter-productive. That is, the  
11 increased frustration and rage they generate often increase rather than decrease the very tensions  
12 and conflicts they are supposed to help alleviate. They deepen antagonisms between groups, who  
13 blame and resent one another for the especially harsh conditions under which they are forced to  
14 live. And they directly contravene the core principle of personal responsibility upon which  
15 prisons are premised and are supposed to model for prisoners—that persons are held accountable  
16 for their own individual actions. In the meantime, prisoners – especially those with pre-existing  
17 psychiatric conditions – suffer emotionally and psychologically, as set forth below.

18                   **1. The lockdowns at issue in this case subject prisoners to extreme**  
19                   **isolation**

20           21. In reaching my opinions in this case, I have drawn extensively from the literature  
21 and my experience in studying the psychological effects of solitary confinement.<sup>12</sup> I believe that  
22 this comparison is valid because the practical experience of these lockdowns is in most relevant  
23 ways identical to solitary confinement, a term generally used to refer to conditions of extreme  
24 isolation from normal social contacts. (In fact, the only significant areas of difference are (a) the

25 \_\_\_\_\_  
26 <sup>12</sup> A thorough review of the psychological literature did not turn up any analyses on the effects of  
27 prolonged race-based lockdowns or even on prolonged lockdowns generally. This is true in  
28 large part, I believe, because it is an institution peculiar to California and not a widespread  
phenomenon.

1 reasons for the confinement and, typically, (b) the physical structure of the housing units in  
2 which prisoners are confined. I directly address these differences in subsequent sections of this  
3 Declaration.) I have defined solitary confinement elsewhere in a way that is consistent with its  
4 use in the broader correctional literature as well as the experience of prisoners in this case:

5 [S]egregation from the mainstream prisoner population in attached housing  
6 units or free-standing facilities where prisoners are involuntarily confined  
7 in their cells for upwards of 23 hours a day or more, given only extremely  
8 limited or no opportunities for direct and normal social contact with other  
9 persons (i.e., contact that is not mediated by bars, restraints, security glass  
10 or screens, and the like), and afforded extremely limited if any access to  
11 meaningful programming of any kind.<sup>13</sup>

12 22. As described in CDCR documents I have reviewed as well as interviews I have  
13 conducted with prisoners and the deposition testimony that I have read, the lockdowns at issue in  
14 this case subject prisoners to what, by any standards, constitutes extreme isolation. Prisoners are  
15 locked in their cells for 24 hours every day, except for occasional (not daily) showers and  
16 variable exercise opportunities – sometimes a few times a week, sometimes not at all, but rarely  
17 for more than an hour at a time. This deprivation drastically limits and distorts all forms of  
18 social interaction; often, the only people these prisoners speak to for months on end are their  
19 cellmate and the few staff who slide meals in through their food ports, pick up the empty trays,  
20 and provide the infrequent escorts to showers and recreation. The normal human contact that  
21 we take for granted, that even prisoners in normal housing units experience daily, is denied  
22 plaintiff class members. Yet these ubiquitous and seemingly unimportant forms of social  
23 interaction – comments on the weather and sports, jokes, nods of recognition, news about events  
24 of local or national or global importance, simply being surrounded by varied and interesting  
25 human faces and emotions – are in fact what makes us human, what grounds us in common  
26 human experience. They distinguish “living” in a social world from “existing” in isolation.

27 23. In addition, prisoners who are locked down in double cells are forced to interact  
28 with a cellmate under extremely close quarters that afford little or no privacy or respite. They

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<sup>13</sup>Craig Haney, *The Social Psychology of Isolation: Why Solitary Confinement is Psychologically Harmful*, *Prison Service Journal*, 12 (January, 2009), at n.1.

1 experience constant and unavoidable violations of personal space, in an environment of forced  
2 closeness that affords them no respite from one another or opportunities to release the  
3 interpersonal tensions that inevitably result. As one of the prisoners I interviewed put it, “You  
4 feel trapped—trapped with another person who can’t take it either. What do you do?”

5         24. Locked-down prisoners are forced to live extraordinarily static, inert, and empty  
6 lives, with no opportunity to work or go to school, to engage in meaningful psychological or  
7 behavioral treatment programs, to see their loved ones or go to the library or religious services.  
8 They thus have no access to purposeful activity. The prisoners I interviewed repeatedly  
9 complained about the lack of activity and the way that idleness was eroding their spirit and sense  
10 of self. Some of these men were programming effectively until their unit was locked down—at  
11 which point their programming came to an immediate halt. In other instances, prisoners were  
12 transferred to a prison precisely because they were programming well, only to be placed in a  
13 locked-down unit where no programming was possible. Of course, in these instances, the  
14 lockdown was precipitated by an event that occurred before these prisoners were even physically  
15 at the prison; yet they were made to suffer along with everyone else.

16         25. In rendering my opinions in this case, I am addressing the effects of what I call  
17 “extended” or “prolonged” or “long-term” lockdowns. I am not speaking of the effects of  
18 isolation that lasts a few days or even a few weeks, although there is certainly literature that  
19 speaks to the trauma even relatively brief isolation can cause.<sup>14</sup> I am referring to what I have  
20 observed and learned from the materials I reviewed to be the practice in California prisons of  
21 locking prisoners down for a month or more, sometimes extended to years, with only brief  
22 interruptions – if any – where normal programming is resumed.

23 \_\_\_\_\_  
24  
25 <sup>14</sup> In fact, the United Nations Special Rapporteur on Torture, Juan Mendez, has defined  
26 “prolonged solitary confinement” as isolation for periods of longer than 15 days and, because he  
27 concluded that this length of solitary confinement can produce harmful psychological effects, has  
28 recommended that it be prohibited. Interim Report of the Special Rapporteur on Torture and  
Other Cruel, Inhuman or Degrading Treatment or Punishment, 66th Sess., UN Doc. A/66/268  
(August 5, 2011).

1                   **2. Isolation of the kind experienced by the plaintiff class exposes them to**  
2                   **grave risk of serious psychological damage and trauma**

3                   26. As Hans Toch and Kenneth Adams have acknowledged, the “dictum that prisons  
4 are stressful cannot be overestimated.”<sup>15</sup> As a general matter, prisons present a difficult  
5 environment in which prisoners must adapt to forced proximity to fearful, defensive, and  
6 sometimes violent strangers. Prisons are highly charged atmospheres where interpersonal  
7 interactions can have serious consequences for personal safety and well-being. They are  
8 governed by complex rules and a code of conduct and culture, both written and unwritten, that  
9 determine what specific actions will generate official sanctions from staff (such as disciplinary  
10 punishments), or unofficial sanctions from fellow prisoners (such as ostracism or assault).

11                   27. The stress of confinement is amplified for prisoners who are subjected to extreme  
12 and extended isolation. Time spent in segregation places prisoners at risk of developing a host of  
13 adverse psychological reactions that are associated with long-term isolation.

14                   **(a) Psychological harm**

15                   28. There is an extensive literature that documents the adverse effects of social  
16 isolation and the fact that it is damaging to psychological health and well-being. It has the same  
17 negative effects in prison. Thus, there is substantial evidence of the negative psychological  
18 effects of isolated confinement that comes from a variety of sources, including personal  
19 accounts, descriptive studies, and systematic research on solitary and supermax-type units. The  
20 data that establish these harmful effects have been collected in studies conducted over a period of  
21 several decades, by researchers from several different continents who had diverse backgrounds  
22 and a wide range of professional expertise.<sup>16</sup>

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23 <sup>15</sup> Toch, H., & Adams, K., *Acting Out: Maladaptive Behavior in Confinement*. Washington, DC:  
24 American Psychological Association (2002), p. 230.

25 <sup>16</sup> For extensive literature reviews, see supra note 7; Arrigo, B., & Bullock, J., *The Psychological*  
26 *Effects of Solitary Confinement on Prisoners in Supermax Units: Reviewing What We Know and*  
27 *What Should Change*, *International Journal of Offender Therapy and Comparative Criminology*,  
28 52,622-640 (2008); Peter Smith, *The Effects of Solitary Confinement on Prison Inmates: A Brief*  
*History and Review of the Literature*, in Michael Tonry (Ed.), *Crime and Justice* (pp. 441-528).  
Volume 34. Chicago: University of Chicago Press (2006). In contrast to the overwhelming

(Footnote Continued on Next Page.)

1           29. For example, mental health and correctional staff who have worked in  
 2 disciplinary segregation and isolation units have reported observing a range of problematic  
 3 symptoms manifested by the prisoners confined in these places. The authors of one of the early  
 4 studies of solitary confinement summarized their findings by concluding that “[e]xcessive  
 5 deprivation of liberty, here defined as near complete confinement to the cell, results in deep  
 6 emotional disturbances.”<sup>17</sup> A decade later, Professor Hans Toch’s large-scale psychological  
 7 study of prisoners “in crisis” in New York State correctional facilities included important  
 8 observations about the effects of isolation. After hundreds of in-depth interviews with such  
 9 prisoners, he concluded that “isolation panic” was a serious problem among prisoners in solitary  
 10 confinement. Symptoms included rage, panic, loss of control and breakdowns, psychological  
 11 regression, and a build-up of physiological and psychic tension that led to incidents of self-  
 12 mutilation.<sup>18</sup>

13           30. More recent studies, which are discussed in the literature already cited, have  
 14 identified other symptoms that appear to be produced by these conditions. Those symptoms  
 15

16 \_\_\_\_\_  
 (Footnote Continued from Previous Page.)

17 empirical consensus that isolated confinement places prisoners at grave risk of psychological  
 18 harm, there are only two outlier studies that report contrary findings: Zinger, I., Wichman, C. &  
 19 Andrews, D. (2001) The psychological effects of 60 days in administrative segregation, *Canadian*  
 20 *Journal of Criminology*, 43, 47- 88 (2001) and O’Keefe, M., Klebe, K., Kelli J., Studer, A.,  
 21 Alysha, Sturm, K., Kristen & Leggett, W., William (2010) *One year longitudinal study of the*  
 22 *psychological effects of administrative segregation*. University of Colorado, Colorado Springs  
 23 (2010). However, in addition to the various methodological problems that plagued both studies,  
 24 neither is applicable here. The Zinger et al. study was limited to 60 days in isolated confinement,  
 25 far briefer than the cumulative stays typical in the lockdowns discussed here. The O’Keefe et al.  
 26 study was based on conditions that differed significantly from these lockdowns, including a  
 27 graduated series of increasing privileges such as the opportunity for significant out-of-cell time  
 28 and work assignments. For a discussion of the methodological problems that plagued the latter  
 study and rendered its results uninterpretable, see: Grassian, S., & Kupers, T., *The Colorado*  
*study versus the reality of supermax confinement*, Correctional Mental Health Report, May/June  
 2011, 1-4; and Lovell, D. & Toch, H., *Some observations about the Colorado segregation study*,  
 Correctional Mental Health Report, May/June 2011, 3-4, 14.

<sup>17</sup> Bruno M. Cormier & Paul J. Williams, Excessive Deprivation of Liberty, 11 *Canadian*  
*Psychiatric Association Journal* 470-484 (1966), at p. 484.

<sup>18</sup> Hans Toch, *Men in Crisis: Human Breakdowns in Prisons*. Aldine Pub. Co.: Chicago (1975).

1 include appetite and sleep disturbances, anxiety, panic, rage, loss of control, paranoia,  
2 hallucinations, and self-mutilations. Moreover, direct studies of prison isolation have  
3 documented an extremely broad range of harmful psychological reactions. These effects include  
4 increases in the following potentially damaging symptoms and problematic behaviors: negative  
5 attitudes and affect, anxiety, withdrawal, hypersensitivity, ruminations, cognitive dysfunction,  
6 hallucinations, loss of control, irritability, aggression, and rage, paranoia, hopelessness, a sense  
7 of impending emotional breakdown, self-mutilation, and suicidal ideation and behavior  
8 (discussed in more detail below). Correctional administrators observe these effects as well: the  
9 Pelican Bay Warden testified that extended lockdowns “increase[] the anxiety and anger issues  
10 within our population” and lead to increased violence.<sup>19</sup>

11 31. The risk of harm under these conditions is therefore grave. Indeed, literally all of  
12 the prisoners I interviewed reported experiencing acute psychological pain and distress as a  
13 result of the lockdowns to which they were subjected. The symptoms they describe are virtually  
14 identical to the indices of psychological trauma and the psychopathological effects of isolation I  
15 have found among solitary confinement or “supermax” prisoners, including sleep disorders,  
16 anxiety reactions, and anger.<sup>20</sup>

17 **(b) Degradation**

18 32. The lockdowns that have been and continue to be implemented under CDCR  
19 policy are degrading. They send a clear message to the affected prisoners that they are not  
20 worthy of even the minimal freedoms allowed in the normal prison environment. The degraded  
21 conditions under which these prisoners live serve as constant reminders of their compromised  
22 and stigmatized social status and role. A diminished sense of self-worth and personal value are  
23 natural consequences -- that is, like the rest of us, prisoners derive and internalize symbolic  
24 meaning from the way they are treated. When they are treated in harsh and humiliating ways,  
25 many come to think of themselves as deserving no more than the degradation and stigma to

26 \_\_\_\_\_  
27 <sup>19</sup> Deposition of Gregory D. Lewis, January 24, 2013, at 131:20-132:5

28 <sup>20</sup> See Haney, *Mental Health Issues in Solitary*, *supra* note 7.

1 which they are being subjected. This degraded identity may be difficult or impossible to  
2 relinquish when they are released from prison.

3 33. Some prisoners have special needs that intensify the degradation to which they are  
4 subjected. One prisoner with disabilities, including incontinence, told me that he has been locked  
5 down almost continuously for the last year and a half. He said that he is supposed to be allowed  
6 to shower every day but, under lockdown conditions, he is only able to shower every three days.  
7 He said: “I am being tortured. I can’t control my bowels—I need to clean myself. My cellmate  
8 has to deal with my feces. I don’t even know they are there.”

9 **(c) Forced idleness**

10 34. Lockdowns subject large numbers of prisoners to lengthy periods of enforced  
11 idleness. This idleness produces more than mere boredom. There is widespread agreement  
12 among correctional experts that empty time in prison produces negative psychological and  
13 behavioral effects. For example, as far back as the 1980s, the U.S. Government Accounting  
14 Office noted: “Corrections officials believe that extensive prisoner idleness can lead to  
15 destructive behavior and increase violence within institutions. Moreover, idleness does little to  
16 prepare prisoners for re-entry into society.”

17 35. I agree with Warden Greg Lewis from Pelican Bay State Prison, who recently  
18 testified that “[h]aving your inmate population programming allows them to attend school, attend  
19 their work assignments, allows conflict resolution, allows them to communicate with each other,  
20 and reduces the amount of violence, in my professional opinion.”<sup>21</sup> And I agree that the reverse  
21 is also true: extended lockdowns breed anger, frustration, and violence.<sup>22</sup>

22 **(d) Harmful adaptations**

23 36. Lengthy periods of isolation force individuals and institutions to adapt in ways  
24 that are often counterproductive, and produce even more serious harm. The lockdowns change  
25 the nature of the context or situation to which prisoners must adapt on a day-to-day basis. The

26 \_\_\_\_\_  
27 <sup>21</sup> Lewis Depo. at 131:7-11.

28 <sup>22</sup> See *id.* at 131:19-132:5



1 longer someone is exposed to conditions of such severe social deprivation, the greater the length  
2 of time during which problematic coping mechanisms can evolve in response. For example,  
3 some prisoners find that isolation undermines their ability to interact with others. One told me: “I  
4 am having a hard time around people now. My communication skills are gone. I am fearful  
5 around everyone and afraid of over-reacting.” Another prisoner, who had recently come off a  
6 long lockdown, told me “you don’t want to be around others; I often stay in my cell now that I  
7 am allowed out.” And another said that, since the lockdowns, “even my wife says, ‘you are  
8 pushing me away,’ but there are times when I can’t talk to anybody.” Others experience a  
9 change in perception, which can lead to greater aggression, irritability, and anger.

10 **(e) Suicidality**

11 37. The greatly enhanced risk of suicide and other self-harming behavior for people  
12 housed in extreme isolation is well documented.<sup>23</sup> Correlational studies of the relationship  
13 between housing type and various kinds of incident reports in prison show that self-mutilation  
14 and suicide are more prevalent in isolated, punitive living conditions. For example, clinical  
15 researchers Ray Patterson and Kerry Hughes attributed higher suicide rates in CDCR’s solitary  
16 confinement-type units to the heightened levels of “environmental stress” that are generated by  
17 the “isolation, punitive sanctions, [and] severely restricted living conditions” that exist there.<sup>24</sup>  
18 These authors reported that “the conditions of deprivation in locked units and higher-security  
19 housing were a common stressor shared by many of the prisoners who committed suicide.”<sup>25</sup> In  
20 addition, signs of deteriorating mental and physical health (beyond self-injury), other-directed  
21

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22  
23 <sup>23</sup> For example, see Lindsay M. Hayes, *National Study of Jail Suicides: Seven Years Later*.  
24 Special Issue: Jail Suicide: A Comprehensive Approach to a Continuing National Problem,  
25 *Psychiatric Quarterly*, 60, 7 (1989); Alison Liebling, *Vulnerability and Prison Suicide*, *British*  
*Journal of Criminology*, 36, 173-187 (1995); and Alison Liebling, *Prison Suicide and Prisoner*  
*Coping*, *Crime and Justice*, 26, 283-359 (1999).

26 <sup>24</sup> Raymond Patterson & Kerry Hughes, *Review of Completed Suicides in the California*  
*Department of Corrections and Rehabilitation, 1999-2004*, *Psychiatric Services*, 59, 676-682  
27 (2008) at 678.

28 <sup>25</sup> *Ibid.*

1 violence, such as stabbings, attacks on staff, and property destruction, and collective violence are  
2 also more prevalent in these units.<sup>26</sup>

3 38. One particularly devastating example took place in 2005, in one of California's  
4 juvenile prisons. After several violent attacks on staff members, the administration imposed a  
5 lengthy race-based lockdown. An 18-year-old youth was found hanging in his cell after  
6 spending eight weeks locked in that confined space with "virtually no exercise, education,  
7 mental health treatment or other mandated services. . . ." <sup>27</sup> According to the Inspector General,  
8 "the eight weeks of isolation and the denial of mental health and other services may have  
9 contributed to the Ward's suicide."<sup>28</sup> He was incarcerated for car theft and had no history of  
10 violence against staff and no evidence to tie him to the attacks that precipitated the lockdown; he  
11 was "a follower rather than a leader."<sup>29</sup> The other "northern Hispanics" in the housing unit  
12 remained on lockdown for six more weeks after the suicide.<sup>30</sup>

13 39. Some of the prisoners I interviewed admitted to suicidal ideation, which they  
14 attributed to the deprived and frustrating conditions of the lockdowns to which they had been  
15 subjected. For example, one told me that he felt on the verge of a breakdown "every other day or  
16 even daily" during lockdown because being "stuck in a small, confined place gets to be too  
17

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18 <sup>26</sup> For example, see Howard Bidna, *Effects of Increased Security on Prison Violence*,  
19 *Journal of Criminal Justice*, 3, 33-46 (1975); K. Anthony Edwards, *Some Characteristics*  
20 *of Prisoners Transferred from Prison to a State Mental Hospital*, *Behavioral Sciences and the*  
21 *Law*, 6, 131-137 (1988); Elmer H. Johnson, *Felon Self-Mutilation: Correlate of Stress in Prison*,  
22 in Bruce L. Danto (Ed.) *Jail House Blues*. Michigan: Epic Publications (1973); Anne Jones, *Self-*  
23 *Mutilation in Prison: A Comparison of Mutilators and Nonmutilators*, *Criminal Justice and*  
24 *Behavior*, 13, 286-296 (1986); Peter Kratoski, *The Implications of Research Explaining Prison*  
25 *Violence and Disruption*, *Federal Probation*, 52, 27-32 (1988); Ernest Otto Moore, *A Prison*  
26 *Environment: Its Effect on Health Care Utilization*, Dissertation Abstracts, Ann Arbor, Michigan  
27 (1980); Frank Porporino, *Managing Violent Individuals in Correctional Settings*, *Journal of*  
28 *Interpersonal Violence*, 1, 213-237 (1986); and Pamela Steinke, *Using Situational Factors to*  
*Predict Types of Prison Violence*, 17 *Journal of Offender Rehabilitation*, 17, 119-132 (1991).

<sup>27</sup> Office of the Inspector General, Special Review into the Death of a Ward on August 31, 2005,  
at the N.A. Chaderjian Youth Correctional Facility, December 2005, at 1.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 3.

<sup>30</sup> *Id.* at 12 n.4.

1 much. You have nothing to do but dwell on it.” He went on to tell me that he thinks about suicide  
2 “to make the pain go away. I sit in my cell and have nothing to take my mind off my situation,”  
3 so he thinks about taking his life to end the pain that he is in.

4 **(f) People with mental illness**

5 40. All of these psychological risks are enhanced for people who have mental illness.  
6 Mentally ill prisoners are more likely to be adversely affected by the stressors presented by these  
7 lockdowns. The decreased opportunities for normal, non-pressured social interaction may  
8 undermine already impaired reality testing. And the sheer stress of isolated confinement may  
9 overwhelm their already fragile coping mechanisms, creating fear and anxiety in what these  
10 prisoners experience as an increasingly unpredictable world. Thus, mentally ill prisoners are  
11 more likely to decompensate from exposure to these lockdowns.

12 41. One prisoner who told me that he had killed his cellmate in self-defense in 1997  
13 and that he suffers symptoms of post-traumatic stress disorder as a result of the experience, was  
14 placed on the mental health caseload and received major psychotropic medications in the past.  
15 He is nonetheless being subjected to a prolonged lockdown. He said the experience is “creating  
16 some unknown madness that is ready to explode in me.” He complained that there was no  
17 meaningful mental health program being provided under lockdown conditions.<sup>31</sup>

18 42. Whether or not they enter prison with pre-existing psychiatric disorders, some  
19 prisoners find the severe conditions of isolated confinement to be traumatic. As a result, some  
20 develop PTSD—a range of long-term trauma-related symptoms, including depression, emotional  
21 numbing, anxiety, isolation, hypervigilance, and related reactions—in response to prison trauma.  
22 In this regard, psychiatrist Judith Herman and others have proposed that the diagnostic category  
23 of post-traumatic stress disorder be restructured to include what she has termed “complex

24 \_\_\_\_\_  
25 <sup>31</sup> He told me that when he requested treatment for his PTSD, the clinical staff provided him with  
26 literature instead of therapy. The literature included a handout, which he showed me, that read:  
27 “Looking for Trauma Treatment? The Ranch outside Nashville offers trauma treatment in the  
28 residential setting of a working horse ranch. If you or someone you love is not living the fullest  
life because of unresolved trauma, call 855-251-4314 to talk to a recovery specialist about the  
Ranch at Piney River.”

1 PTSD,” a disorder created by “prolonged, repeated trauma or the profound deformations of  
2 personality that occur in captivity.” Complex PTSD can result in protracted depression, apathy,  
3 and the development of a profound sense of hopelessness. For some prisoners, it represents the  
4 long-term psychological cost of adapting to oppressive forms of prison confinement.

5 43. In any event, many prisoners adapt to the pains of extreme forms of imprisonment  
6 by developing overt psychological symptoms; as CDCR Director Beard testified, “there are  
7 people who can be put into long-term segregation and who can develop serious mental health  
8 problems.”<sup>32</sup> Others experience an exacerbation of symptoms that already exist—including  
9 clinical depression, paranoia, and psychosis. As the Three Judge Court convened to examine  
10 health care in California’s overcrowded prisons pointed out, quoting my expert report, “some  
11 mentally ill prisoners ‘cannot handle the severe stress of locked-down confinement’ and ‘may  
12 decompensate or become suicidal as a result. . . .’”<sup>33</sup>

13 44. Because this risk of harm is so grave and widely acknowledged, virtually every  
14 court and every professional mental health and human rights organization that has addressed this  
15 question agrees that mentally prisoners should either be totally excluded from conditions of  
16 extreme isolation or, if it is absolutely necessary (and only as a last resort) to confine them there,  
17 such confinement should be strictly limited in duration and modified to provide significant  
18 amounts of out-of-cell time and augmented access to care. Director Beard agrees that “there are  
19 people who have serious mental health problems that probably shouldn’t be put in [long-term]  
20 segregation.”<sup>34</sup> The American Psychiatric Association has issued a Position Statement on  
21 Segregation of Prisoners with Mental Illness stating that

22 [p]rolonged segregation of adult inmates with serious mental illness, with rare  
23 exceptions, should be avoided due to the potential for harm to such inmates. If an inmate  
24 with serious mental illness is placed in segregation, out-of-cell structured therapeutic  
activities (i.e., mental health/psychiatric treatment) in appropriate programming space  
and adequate unstructured out-of-cell time should be permitted.

25 \_\_\_\_\_  
26 <sup>32</sup> Deposition of Jeffrey A. Beard, April 24, 2013, at 68:21-23.

27 <sup>33</sup> *Coleman v. Schwarzenegger and Plata v. Schwarzenegger*, -- F. Supp. 2d --, Nos. CIV S–90–  
0520 LKK JFM P and C01–1351 TEH, 2009 WL 2430820 at \*50 (Aug. 4, 2009).

28 <sup>34</sup> Beard Depo. at 68:23-25.

1 This statement reflects the accepted reality that mentally ill prisoners are especially vulnerable to  
2 isolation and stress-related regression, decompensation, psychosis, and other mental health-  
3 related symptoms and maladies, including self-harm.

4 45. Lockdowns have a doubly destructive effect on mentally ill people. They greatly  
5 exacerbate the already significant stress of confinement and make it difficult if not impossible to  
6 receive meaningful mental health care on an ongoing basis. One prisoner told me that lockdowns  
7 prevent him from getting needed treatment while at the same time making it much harder for him  
8 to deal with his substance abuse problem. Numerous others—those on the mental health  
9 caseload—complained about the poor to non-existent quality of the mental health care they were  
10 receiving on lockdown. One said he was getting “not very good mental health care at all. They  
11 see you once every 90 days—15 minutes—‘how are you feeling, are you OK?’”

12 (g) **Public safety consequences**

13 46. Although my primary task is to opine about the risk to the mental and emotional  
14 well-being of plaintiff class members from these prolonged lockdowns, I also believe that it is  
15 important acknowledge that the risk of harm extends beyond the plaintiff class members  
16 themselves: there are serious public safety risks to this practice as well.

17 47. First, because these conditions create or exacerbate anger, frustration, and feelings  
18 of degradation, as well as an impaired sense of reality and limited opportunity to practice pro-  
19 social behavior skills, it leads to a more dangerous population of prisoners. Warden Greg Lewis  
20 of Pelican Bay gave an excellent description of how this process works: when asked about the  
21 negative consequences of extended lockdowns, he explained that “you lose your communication  
22 and credibility that you've established with your inmates, especially if they start to perceive that  
23 we should be moving forward and we're not. Also, it increases the anxiety and anger issues  
24 within our population. A large part of my population has anger control issues, and you do see a  
25 rise in staff assaults with prolonged modified programs.”<sup>35</sup>

26 \_\_\_\_\_  
27 <sup>35</sup> Lewis Depo. at 131:20-132:5.  
28

1           48. One tragic example illustrates this effect. In 2005, Correctional Officer Manuel  
2 Gonzalez was killed at the California Institution for Men. The prisoner charged with his murder  
3 was seriously mentally ill, and at the time of the death was housed in a general population unit  
4 that had been locked down for five weeks. Conditions in the unit were essentially the same as  
5 those at issue in this case, including “cell feeding, no recreational yard, escorted inmate  
6 movement, and a requirement that Black inmates be escorted separately from White and  
7 Hispanic inmates.”<sup>36</sup> Although according to the OIG report it is clear that numerous other factors  
8 were at play in this event, there can be little doubt that housing this severely mentally ill person  
9 under extended lockdown conditions exacerbated the risk that he presented to staff and other  
10 prisoners for decompensation and violence.

11           49. Further, far from being a boon to prison officials, lockdowns are actually a  
12 management disaster. During lengthy lockdowns, administrators have few incentives or positive  
13 rewards at their disposal with which to manage and control prisoner behavior. Administrators  
14 are rarely in a position to offer well-behaved prisoners meaningful opportunities for personal  
15 growth or skill development, or participation in engaging activities or thriving organizations as  
16 “carrots” to reinforce and shape prisoner behavior. Lacking carrots, prison administrators rely  
17 increasingly on “sticks.” This leads to increasingly negative forms of institutional control and the  
18 use of even harsher discipline; punishment tends to escalate as a result.

19           50. The use of more punitive policies and procedures to maintain order and control  
20 means that custody staff increasingly rely on security hardware and surveillance technology to  
21 control prisoner behavior. The extent of their dependence on the technology and implements of  
22 control has concerned some penologists, who worry about the “de-skilling” of correctional  
23 officers—the fact that interpersonal skills atrophy in prison systems where problems are solved  
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25

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27 <sup>36</sup> Office of the Inspector General, Special Review Into the Death of Correctional Officer Manuel  
28 A. Gonzalez, Jr. on Jan. 10, 2005, at the California Institution for Men, March 16, 2005, at 30.

1 and conflict defused increasingly by a reflexive tendency to lock up or lock down problematic or  
2 challenging prisoners or the entire housing units in which they reside.<sup>37</sup>

3 51. Because prisoners lack sufficient programming and treatment on lockdown, they  
4 are more likely to re-enter the free society no better—and often much worse—than they left. This  
5 is especially true for mentally ill prisoners who, in extreme cases, may become chronically or  
6 even permanently disabled. Mentally ill prisoners who find that their psychiatric condition is  
7 exacerbated by the stress and deprivation of lockdown, and who receive inadequate mental  
8 health care because locked-down conditions preclude it, are more likely to be released back into  
9 society with significantly compromised chances for stabilization and successful reintegration.

10 52. In addition, prisoners who are traumatized by extended race-based lockdowns  
11 may leave prison with psychiatric disorders that they did not have or manifest as clearly at the  
12 outset of their prison sentences. That is, some number of prisoners will enter prison without a  
13 documented history of mental illness but, because of the severe deprivations, profound  
14 indignities, and dangerous conditions they confront, develop serious trauma-related disorders  
15 that may require mental health treatment both in prison and later in free society. In the absence of  
16 such treatment, these prisoners are prime candidates to re-offend.

17 53. Prisoners are not the only ones scarred by the experience of lengthy lockdowns  
18 that demonize large numbers of people based solely on racial identity. When such lockdowns  
19 are chronic and embedded in prison management plans, officials lose the ability to assess and  
20 respond to perceived threats in a rational manner. The lockdowns effectively recalibrate their  
21 responses to perceived threats, in a downward direction. We are all less safe.

22 **3. The lockdowns at issue in this case are a particularly damaging,**  
23 **pernicious form of isolation**

24 54. As the above paragraphs indicate, isolation places prisoners at significant risk of  
25 grave psychological harm. It is painful and potentially harmful, especially for prisoners with

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27 <sup>37</sup> See, e.g., Lewis Depo. at 131:20-24 (on extended lockdowns, “you lose your communication  
28 and credibility that you've established with your inmates”).

1 special needs, such as those who are mentally ill. However, there are several unique aspects to  
2 the kind of isolation under review here that greatly exacerbate the pain and harm.

3 **(a) Unpredictability**

4 55. Extreme punishment is more traumatic when it appears to be inflicted for no  
5 reason; that is, when it is imposed on persons arbitrarily, irrespective of their own behavior. It  
6 creates anxiety—victims never know and cannot control when it is going to occur and when it is  
7 going to end. Uncontrollable punishment or pain also can lead to “learned helplessness”—a  
8 syndrome whereby people come to believe that nothing they do can affect outcomes or  
9 consequences in their lives.<sup>38</sup> In fact, many CDCR lockdowns occur in such a way that prisoners  
10 do not know when they are likely to happen or what to do to avoid them. Indeed, they are beyond  
11 personal control because the lockdowns are based on who the prisoners are rather than what they  
12 have done; prisoners believe, and correctly so, that they are literally helpless to avoid them.  
13 Moreover, they are helpless to affect the course or duration of the lockdown; there is nothing  
14 they can do to bring about an “unlock” because, again, the lockdown has little or nothing to do  
15 with their individual behavior and everything to do with their identity—specifically, their racial  
16 identity, something that is obviously entirely beyond their control.

17 56. I believe that the uncertainty and uncontrollability that surrounds these CDCR  
18 lockdowns—when they will be commenced and how long they will last—add to the painfulness  
19 of the experience. Prisoners cannot depend on the present or plan for the future. When they are  
20 taken off lockdown, they never know (and cannot influence) when one will begin again. When  
21 they are on lockdown, they never know (and cannot influence) when it will end. Many also  
22 cannot find relief even when released from lockdown because of the tension (born of uncertainty  
23 and uncontrollability) that remains. Past experience shows that the lockdown can easily be re-

24 \_\_\_\_\_  
25 <sup>38</sup> For example, *see*: Evans, G., & Lepore, S., Psychosocial processes linking the environment  
26 and mental health, in G. Evans & S. Lepore (Eds.), *The Impact of the Environment on*  
27 *Psychiatric Disorder* (pp. 127-157). New York: Routledge (2008); Maier, S., Watkins, L.,  
28 *Learned Helplessness*. Washington, DC: American Psychological Association (2000); and  
Paterson, C., Maier, S., & Seligman, M. *Learned Helplessness: A Theory for the Age of Personal*  
*Control*. New York: Oxford University Press (1993).



1 established based on behavior by others. Thus, prisoners are tense and anxious even after release  
2 from lockdowns. The effects linger long after the conditions are improved. One prisoner told  
3 me “every time we get a program, I am sure it’s going to end and we’ll get pent up in our cells.  
4 When we get out [of lockdown] we are scared we are going to go right back.”

5 **(b) Fundamental unfairness**

6 57. Beyond unpredictability, punishment that is inflicted irrespective of one’s own  
7 behavior feels especially unfair and therefore more painful because it is “undeserved.”  
8 Departments of “correction” exist not just to punish but, presumably, also to correct behavior by  
9 modeling the principled relationship between behavior and consequences. Indeed, people are put  
10 in prison because they have personally violated rules and are required to personally experience  
11 the consequences of their rule-breaking behavior. The same lesson is supposed to be taught  
12 inside prisons: personally follow the rules or personally suffer the consequences.

13 58. Through this modeling of act and consequence, prisoners are meant to learn  
14 principles of just desserts and come to appreciate the rewards of pro-social behavior. Prison  
15 systems repeatedly enact these lessons not just by enforcing a network of rules but also doing so  
16 through a transparent process whereby carefully modulated punishments are imposed following  
17 the finding of personal responsibility for disciplinary infractions. Prisoners are given the right to  
18 a hearing, and if they are found not guilty—i.e., not personally responsible—no punishment is  
19 imposed (just as in the larger society). Yet the CDCR’s lockdown practice is fundamentally  
20 “unprincipled” and flies in the face of this structure. The prolonged, race-based lockdowns  
21 clearly violate the principle of individual accountability—taking responsibility for and suffering  
22 the consequences of one’s own choices and actions. They profoundly undercut the disciplinary  
23 model that is intended to maintain order in the prison as well as the fundamental goals of the  
24 penal system. As Mr. Abdullah told me, “Prison is supposed to be a microcosm of society. You  
25 are supposed to be responsible for what you do as an individual. Your punishment should not  
26 come from what somebody else does, somebody you don’t even know.”

27 59. Another prisoner told me that he constantly felt that he was on the verge of an  
28 impending breakdown during a prolonged lockdown, as though he was going to “lose it” at any

1 moment: “I’m being punished for no reason with no explanation.” Another prisoner, who had  
2 been in the CDCR for about 14 years and estimated that he had experienced more than two  
3 dozen race-based lockdowns over that time period, said: “I’m not working, just sitting in my cell  
4 all day, doing nothing, all because my race is on lockdown. I don’t even go on the yard where  
5 this [event] happened, yet I was punished.” Another said: “When you come into a lockdown unit,  
6 you get nothing—no exercise, no yard, no canteen, no phone calls, over nothing I had done. That  
7 was the point I couldn’t handle.” Another prisoner described the bizarrely arbitrary nature of the  
8 process: “When I got here, they sent me right from [Reception] and they told me, ‘yeah, you are  
9 going to B Yard. You are at war with the Southern Mexicans, you are on lockdown and you are  
10 going to be on lockdown for quite a while.’”

11 (c) **Pernicious racism**

12 60. Lockdowns in California prisons are in large part race-based. According to the  
13 spreadsheet I reviewed, at least half of the lockdowns at most CDCR prisons over the last several  
14 years were based on race, and nearly every prison had at least one race-based lockdown in this  
15 timeframe. Of course, the race-based nature of the lockdowns adds to their arbitrariness and  
16 fundamental unfairness: people can choose to follow the rules and to refrain from violence, but  
17 they cannot choose to be Black, or White, or Latino. And race-based lockdowns have a  
18 pernicious element that makes the nature of their arbitrariness even more hurtful and particularly  
19 destructive: the racially derogatory message that they directly and unmistakably communicate.

20 61. CDCR subjects plaintiff class members to extreme punishment based on group  
21 membership that is impossible for them to change, on the basis of a characteristic that is central  
22 to their personal identities, and is rooted in a legacy of social and historical conflict in which the  
23 criminal justice system was used as an instrument of oppression wielded against certain racial  
24 groups (especially African Americans).<sup>39</sup> Mr. Abdullah was eloquent about the mark of racial  
25 oppression that the lockdowns represent: “It is racism. You feel, ‘here we go again.’ It is one of

26 \_\_\_\_\_  
27 <sup>39</sup> For example, see K. Muhammad, *The Condemnation of Blackness: Race, Crime and the*  
28 *Making of Modern Urban America*. Cambridge, MA: Harvard University Press (2010).

1 the last bastions of America’s past. They do it to us because of our race and there are no other  
2 places where they can do that officially.”

3         62. Collective punishment is even more damaging when it is rooted in race  
4 discrimination: numerous studies have shown that racial stigma is pernicious and damaging. The  
5 experience of racial discrimination—“unfair, differential treatment on the basis of race”<sup>40</sup>—is  
6 psychologically painful and destructive in many important ways. There is extensive research that  
7 documents its uniquely harmful effects, including heightened levels of psychological distress,<sup>41</sup>  
8 depression and anxiety,<sup>42</sup> negative mood and lowered self-esteem,<sup>43</sup> and mental illness,<sup>44</sup> in  
9 addition to undermining the physical health of its victims.<sup>45</sup> Indeed, the experience of racial  
10 discrimination is so powerful that mental health professionals regard it as a form of “traumatic  
11 stress”<sup>46</sup>—even as violence<sup>47</sup>—that can undermine behavioral adjustment in a wide range of  
12 settings<sup>48</sup> and even lead to increased rates of criminal behavior.<sup>49</sup>

13 \_\_\_\_\_  
14 <sup>40</sup> Burrow, A., Wong, A., Racial identity as a moderator of daily exposure and reactivity to racial  
discrimination, 9 *Self and Identity* 383, 384 (2010).

15 <sup>41</sup> Sellers, R., & Shelton, J., The role of racial identity in perceived racial discrimination, 84  
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17 <sup>42</sup> Banks, K., & Kohn-Wood, L., The influence of racial identity profiles on the relationship  
between racial discrimination and depressive symptoms, 33 *Journal of Black Psychology* 331-  
18 354 (2007).

19 <sup>43</sup> Broudy, et al., Perceived ethnic discrimination in relation to daily moods and negative social  
interactions, 30 *Journal of Behavioral Medicine* 31-43 (2007); Greene, M., Way, N., & Pahl, K.,  
20 Trajectories of perceived adult and peer discrimination among Black, Latino, and Asian  
American adolescents: Patterns and psychological correlates, 42 *Developmental Psychology* 218-  
238 (2006).

21 <sup>44</sup> Williams, Neighbors, & Jackson, Racial/ethnic discrimination and health: Findings from  
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22 Williams-Morris, R., Racism and mental health: The African American experience, 5 *Ethnicity*  
*and Health* 243-268 (2000).

23 <sup>45</sup> Guyll, M., Matthews, K., & Bromberger, J., Discrimination and unfair treatment: Relationship  
to cardiovascular reactivity among African American and European American women, 20 *Health*  
24 *Psychology* 315-325 (2001).

25 <sup>46</sup> For example, see Carter, R., Racism and psychological and emotional injury: Recognizing and  
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26 Wang, K., Heppner, P., & Du, Y., Ethnic and mainstream social connectedness, perceived racial  
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493 (2012).

27 <sup>47</sup> Helms, J., Guerda, N., & Green, C., Racism and ethnoviolence as trauma: Enhancing  
professional and research training, 18 *Traumatology* 65-74 (2011); Sanders-Phillips, K., Racial

(Footnote Continued on Next Page.)

1           63. Racial identity is very much central to prisoners' experience of these lockdowns.  
2 The fact that they are explicitly punished because of their race gnaws at the prisoners I  
3 interviewed – it burns within them as an attack on their identity. Virtually every African  
4 American prisoner I spoke with said the same thing—that the lockdowns are not only race-based  
5 but racist, that is, directed at them because they are Black. As one of them put it:

6           Because I'm Black, I've got to be locked down in a war zone. I resisted but it didn't  
7 matter...They treat the whole Black race as a "gang." I'm not affiliated. I'm from  
8 Oakland, but I am treated as though I am a Crip or Blood. But I'm unaffiliated. I have  
9 nothing to do with any of these racial things. But I'm being punished just for being Black.

10           California prisons are already racially charged environments. Race is used officially as a  
11 clumsy and overbroad proxy for gang membership, and is overtly labeled and openly used as the  
12 basis for a range of correctional decisions. For example, in many housing units, prisoners' races  
13 are written on color-coded cards prominently displayed on their cell doors and on the master  
14 housing rosters in the officers' stations. Prison officials routinely and carefully track how many  
15 prisoners of each race are in various housing units and work assignments.

16           64. As extraordinary and extreme (and unheard of) as this is, CDCR's lockdown  
17 policy goes even further. Imposing extreme punishments for prolonged periods of time—  
18 lockdowns—on the basis of racial categories alone, exacerbates the indignity of the racial  
19 categorizations that the CDCR seems so invested in. To the extent that the heightened sensitivity

20 (Footnote Continued from Previous Page.)

21 discrimination: A continuum of violence exposure for children of color, 12 *Clinical, Child, and*  
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23 <sup>48</sup> Dotterer, A., McHale, S., & Crouter, A., Sociocultural factors and school engagement among  
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28 <sup>49</sup> Burt, C., Simons, R., & Gibbons, F., Discrimination, ethnic-racial socialization, and crime: A  
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racism: Reduced self control mediates the relation between perceived racial discrimination and  
substance use in African American adolescents, 102 *Journal of Personality and Social*  
*Psychology* 1089-1104 (2012).

1 to race is based in part on concerns over race-based prison gangs, the institutional investment in  
2 and constant use of racial categories is clearly counter-productive, as it seems to heighten the  
3 importance of racial differences and legitimize the racialized nature of the gangs.

4 65. Further, locking people in extreme isolation because of their race forces them to  
5 think in racial categories when they might not have otherwise done so. Some of the prisoners I  
6 interviewed reported that they had made a conscious effort to avoid gang membership or  
7 affiliation in prison; some have renounced it after early involvement, a decision that can be  
8 difficult and dangerous. Yet they felt that they had been betrayed and dishonored by CDCR  
9 because they were nonetheless subjected to painful collective punishment that was based on their  
10 race, in the absence of any evidence of misbehavior or gang membership. Many prisoners have  
11 told me that this kind of heavy-handed treatment actually serves as a powerful recruiting device  
12 for gangs; it intensifies racial awareness, racial identification, and racial divisions among people  
13 who otherwise might have tried to stay away from prison racial politics entirely.

14 **(d) Inadequate infrastructure**

15 66. One characteristic of the lockdowns at issue in this case is that they take place in  
16 normal general population housing units. This distinguishes them from many forms of solitary  
17 confinement, where specialized units have been constructed for this purpose, procedures are in  
18 place to maintain the isolated confinement to which the unit is dedicated, and staff have been  
19 trained to operate isolated programs. The units where lockdowns occur were not designed for  
20 extended isolated confinement with minimal or no programming. The procedures are more  
21 makeshift and ad hoc, which sometimes results in even less programming than in the specially  
22 designed in-prison lock-up units: administrative segregation (Ad Seg) or Security Housing Units  
23 (SHU). As one prisoner put it: “I’ve done SHU time. Lockdowns are pretty much the same  
24 thing—a lockdown is a lockdown. In fact, when they lock us down, we get no yard, whereas in a  
25 SHU you do. Sometimes the guys who started it, who have gone to SHU [have yard] while those  
26 of us who had nothing to do with it are on lockdown and have *no* yard.”

27 67. Two of the prisoners I interviewed had been on prolonged lockdowns when I first  
28 toured their housing unit but, when I returned, they had been sent to Ad Seg units. I was

1 surprised to find that they believed that their current Ad Seg housing was a significant  
2 improvement. One of them, who told me that he had been “getting incredibly stressed out on  
3 lockdown,” said that, as bad as Ad Seg was, it was better than being on lockdown status in  
4 virtually all respects: “You get your store, your yard—it’s much better than lockdown. We get  
5 showers every other day, meals are hot, they were not on lockdown.” A second prisoner told me  
6 he was frustrated that he had been transferred to Salinas Valley from Pelican Bay, allegedly for  
7 his good behavior there: “I got ‘rewarded’ for good behavior at Pelican Bay by being sent here—  
8 on lockdown!” But now that he was in Ad Seg, he much preferred it:

9 We at least know we are getting laundry exchange, in lockdown we get no laundry  
10 exchange. Some guys go for months or a year. In Ad Seg we get canteen, buy hygiene  
11 [items]. On lockdown, we get none. In Ad Seg, you get your shower, even though it’s  
12 brief, every other day. On lockdown it can be 4 days in between. We get yard in Ad  
13 Seg—that’s the big thing. To get outside 2-3 hours every other day. We never got out on  
14 lockdown.

15 I want to emphasize that these favorable comparisons are certainly not testament to the benign  
16 nature of Ad Seg but rather to the extreme harshness and indignities of CDCR’s prolonged  
17 lockdowns. In my experience, the Ad Seg units in the CDCR are especially deprived and  
18 degrading environments. The fact that lockdowns are regarded by prisoners as worse in many  
19 respects underscores the magnitude of the harms that plaintiff class members are being subjected  
20 to—harms that are all the more unfair and unjustifiable because they are being inflicted on the  
21 basis of events and for reasons that are no fault of their own and beyond their control.

22 **(e) Programmers have more to lose**

23 68. Many of the prisoners who are being subjected to these forms of extreme  
24 lockdown-based isolation had been engaged in treatment and programming activities before the  
25 lockdowns began. These are people who have made concerted efforts to remain engaged in self-  
26 help and self-improvement—precisely the kind of engagement in prison that is encouraged and  
27 that is known to predict post-prison success. Yet, through no fault of their own, they lose all  
28 meaningful programming and treatment opportunities and are treated in exactly the same way as  
those prisoners in SHU or Ad Seg who have willfully engaged in disciplinary infractions and  
voluntarily relinquish their access to these activities. These prisoners—the “programmers”—

1 have a great deal more to lose, feel the injustice of the lockdowns more acutely, and are precisely  
2 the group that CDCR should want to encourage and support rather than alienate.

3 69. To be sure, termination of the access to programs, the interruption of work and  
4 school, and barriers to treatment occur in largely the same way during lockdowns as they do in  
5 the SHU and Ad Seg. However, in some ways it is more painful for programming and well-  
6 behaved prisoners who had achieved a higher level of privileges to have them snatched away and  
7 to be placed in extreme deprivation. Prisoners who have found a way to tolerate prison life in a  
8 positive and productive way, and fashion whatever kind of meaningful life and healthy  
9 interpersonal interactions are possible in the course of their confinement, suffer greater stress and  
10 more resentment when the things they have worked hard to attain are taken away. The  
11 experience of relative deprivation and the increased frustration over having hard-earned progress  
12 and self-improvement thwarted in this way leads to greater anger and anxiety.

13 70. In fact, several of the prisoners I talked to actually had been transferred to a new  
14 prison because they were doing well—they were lowering their classification scores and on the  
15 verge of qualifying for a lower custody-level institution, or were ostensibly being moved to a  
16 prison that would afford more programming opportunities or give them closer access to their  
17 families. Yet, when they arrived at their new institution, ostensibly as a “reward” for doing well,  
18 they found that the housing unit was already on lockdown, and none of the promised or hoped  
19 for advantages were available. The irony of being “rewarded” for their good behavior by being  
20 treated as bad or worse in some ways than prisoners in SHU or Ad Seg who were placed in these  
21 disciplinary units as punishment was not lost on them and intensified their resentment.

22 **4. Mr. Mitchell has been harmed by his prolonged experience of race-**  
23 **based lockdowns**

24 71. I interviewed Robert Mitchell on May 3, 2013, at Folsom State Prison. In many  
25 ways, Mr. Mitchell’s case exemplifies the issues already described. Mr. Mitchell told me that he  
26 was raised in a multi-racial environment where he had interacted with people of all ethnicities  
27 and backgrounds. He did not want to be racially classified in the CDCR, but was nonetheless. He  
28

1 was taken aback and humiliated by the racial categorizations, especially by the race-based  
2 lockdown policy to which he and other African Americans, especially, were subjected.

3 72. Although he was explicitly “non-affiliated,” he began to experience race-based  
4 lockdowns very early in his tenure in the CDCR and repeatedly thereafter. When he was  
5 transferred to High Desert from Corcoran, he was told that, in the unit where he was being  
6 housed, “the Blacks were on lockdown, had been for a while, and would be” for the foreseeable  
7 future. Obviously, he had no involvement in the event that had precipitated the lockdown, but  
8 was punished for it anyway. He described a practice that a number of other prisoners also  
9 recounted to me—lockdowns ostensibly being “ended” only to be resumed the very next day,  
10 sometimes for reasons that appeared vague and unsubstantiated.

11 73. Mr. Mitchell had medical problems caused by a fall that he had suffered in his  
12 cell, early in his prison term. The condition worsened and became chronic, and the lockdown-  
13 caused lack of movement and access to outside yard exacerbated it. He tried to address this  
14 problem through the grievance process, but to no avail. Because of the lockdowns, he said, he  
15 could not fully perform the physical therapy that was prescribed by the medical staff who treated  
16 him and that, too, has been the source of not only physical but psychological pain and suffering.  
17 He feels he has deteriorated physically as a result of punishment and restrictions that were  
18 imposed for things he had no role in and over which he had no control. The lack of physical  
19 therapy apparently caused or contributed to a neurological disorder from which he still suffers.

20 74. Mr. Mitchell continued to protest the policy, to complain about the differential  
21 and discriminatory treatment, and to do what he could to extricate himself from it. As he put it,  
22 “I told them, don’t classify me as African American. I don’t want to be locked down because of  
23 my race, so change my race (because I can’t change it myself and I don’t want to suffer because  
24 of it).” He complained that he and other Black prisoners were suffering for things other people  
25 had done. At times he would say, “I don’t even know these people, why am I locked down?” but  
26 never got an explanation. He told me he suffered migraine headaches, disordered sleep, and  
27 anxiety attacks as a result of the lockdown. In addition, he suffers anger and resentment: “I am  
28 angry all the time. I try to control it but this has all changed me.”



1           75. In fact, Mr. Mitchell reported that his lockdown experiences had generated deep  
 2 racial animosities that he had never had before: “I’d look out and see white guys walking around  
 3 with swastikas tattooed on themselves, getting packages and going to yard, and it made me angry  
 4 and hateful and confrontational.” He told me that the anger and hatred festered so much that it  
 5 led to anxiety attacks and to fear: “I hate other groups now like never before—they [the CDCR]  
 6 created this, it isn’t me, I was never like this before, and I don’t want to feel this way when I get  
 7 out.” He said that he sought out mental health staff and has expressed these concerns to  
 8 psychiatrists at Folsom. Mr. Mitchell told me: “I am worried about what I am going to do on the  
 9 streets. It’s gotten to the point where I don’t even want to be with people...”

10           76. The symptoms Mr. Mitchell describes, including his headaches, sleep disorder,  
 11 anxiety, and increased anger and animosity are consistent with the symptoms commonly found  
 12 among prisoners experiencing prolonged isolation. In my opinion, these symptoms are likely a  
 13 result of the lengthy race-based lockdowns that he suffered.

14           **B. California’s practice of frequent, extended lockdowns impedes access to**  
 15           **mental health care**

16           77. According to CDCR Secretary Jeff Beard, in testimony before the Three Judge  
 17 Court convened to address California’s overcrowding crisis, lengthy lockdowns in California  
 18 prisons “impact upon your ability to properly deliver any service within an institution, including  
 19 mental health. . . .”<sup>50</sup> The U.S. Supreme Court agreed: California’s lockdowns “impede the  
 20 effective delivery of care.”<sup>51</sup> The Court gave examples: “[s]ome programming for the mentally  
 21 ill even may be canceled altogether during lockdowns, and staff may be unable to supervise the  
 22 delivery of psychotropic medications.”<sup>52</sup>

24 \_\_\_\_\_  
 25 <sup>50</sup> *Coleman v. Schwarzenegger and Plata v. Schwarzenegger*, 2009 WL 2430820 at \*50.

26 <sup>51</sup> *Brown v. Plata*, -- U.S. --, 131 S. Ct. 1910, 1934 (2011).

27 <sup>52</sup> *Id.*; see also *Coleman v. Schwarzenegger and Plata v. Schwarzenegger*, 2009 WL 2430820 at  
 28 \* 50 (“[i]nmates frequently cannot leave their cells to attend necessary treatment programs. . . .  
 Additionally, lockdowns prevent staff from supervising the intake of psychotropic medications  
 [because medications are distributed through food ports in locked cell doors]”).

1           78. There is evidence that lockdowns continue to impede access to mental health care.  
2 For example, 345 prisoners missed mental health appointments at Salinas Valley State Prison in  
3 October 2012 due to a lockdown or modified program.<sup>53</sup> Also in October 2012, mental health  
4 appointments were missed for 86 prisoners at Kern Valley State Prison<sup>54</sup> and 59 prisoners at  
5 CSP-Lancaster due to a lockdown or modified program.<sup>55</sup> At Pelican Bay, 15 mental health  
6 appointments were missed due to lockdowns in the same time period.<sup>56</sup> These numbers are a  
7 small window into this problem – I was provided with only a limited number of documents  
8 regarding access to care at four prisons during the month of October 2012 and one prison in June  
9 2012. I do not know the methodology used to gather this data. However, the fact that so many  
10 appointments were missed is very disturbing, and a clear indication that the serious problems  
11 described by Secretary Beard and found by the Supreme Court have not abated for these  
12 prisoners in the subsequent two years.

13           79. A number of the prisoners whom I interviewed who were on the mental health  
14 caseload confirmed the adverse impact that lockdowns were having on their treatment. They  
15 described their clinical contacts as perfunctory, limited mostly to brief cell-front observations  
16 and 15 minute “check ins” every 90 days that consisted of little more than “how are you?” and a  
17 reminder to request an appointment if they were having “problems.” Otherwise, the patients are  
18 confined to their cells, with no outlets for their stress and tension, no regular and meaningful  
19 clinical contact, and no possibility whatsoever to attend therapeutic groups.

20           80. It is perhaps necessary to point out why lockdowns impede access to health care.  
21 It would seem reasonable to assume that health care access is actually easier to deliver when all  
22 prisoners are in exactly the same place all the time. Scheduling should be a simple matter, as  
23 should medication delivery. This is not in fact the case, however. Mental health monitoring and  
24 care, especially, is difficult to accomplish cell-front. Prisoners are within earshot of one another

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26 <sup>53</sup> MITCHELL003743.

<sup>54</sup> MITCHELL001166.

<sup>55</sup> MITCHELL003737.

<sup>56</sup> MITCHELL006658.

1 and are reluctant to reveal sensitive psychological concerns. In addition, because prisoners do  
2 virtually nothing but stay inside their cells during lockdowns—for months at a time—there are  
3 few if any opportunities for staff to monitor or even notice all but the most egregious changes in  
4 their behavior. (There is, in a sense, *no* behavior to monitor and no changes to notice.) Taking  
5 prisoners out of the housing units during lockdown requires additional staff to serve as escorts.  
6 But they are typically unavailable in locked-down units that have not been given additional  
7 “access to care” officers to accomplish this.

8           81. All of these things mean that there is a real danger that mentally ill prisoners will  
9 get “lost” or ignored in these units. As I say, their activity is so restricted that unit staff have so  
10 little opportunity to genuinely interact with them or observe them behave.<sup>57</sup> Even rounding by  
11 mental health staff can become little more than a routine and uninformative “check-in” or  
12 “breeze-by” that fails to uncover newly emerging or worsening mental health conditions. As a  
13 result, mentally ill patients may languish in the course of lockdowns without being identified,  
14 even as their psychological conditions deteriorate even further.

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21 <sup>57</sup> A CDCR clinician has described concerns about the way that prisoners’ suicide risk increases  
22 during the course of their time in segregation this way: “The initial mental health screening may  
23 not identify any concerns upon admission and this would be a correct assessment. However, as  
24 the prisoner sits in his cell thinking, he may eventually come to understand his predicament.  
25 Since the situation is not static but is constantly changing, the initial assessment may not be  
26 correct on the following day. As the prisoner begins to analyze how [the circumstances leading  
27 to his segregation placement] will impact many aspects of his life, his thoughts and emotions will  
28 begin to change. Thus, the ‘life span’ and reliability of these mental health screens and suicide  
risk evaluations are very short in these types of fluid situations. This might explain why suicides  
still occur despite prisoners passing these screens and all of the efforts by mental health and  
custody staff.” H. Sánchez, Suicide Prevention in Administrative Segregation Units: What is  
Missing, *Journal of Correctional Health Care*, 00(0) 1-8 (2013), p. 3.

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I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed this 14<sup>th</sup> day of May, 2013 at Colorado Springs, Colorado.

Craig Haney  
Craig Haney

# Appendix A

## CURRICULUM VITAE

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### PREVIOUS EMPLOYMENT

1985-present	University of California, Santa Cruz, Professor of Psychology
1981-85	University of California, Santa Cruz, Associate Professor of Psychology
1978-81	University of California, Santa Cruz, Assistant Professor of Psychology
1977-78	University of California, Santa Cruz, Lecturer in Psychology
1976-77	Stanford University, Acting Assistant Professor of Psychology

### EDUCATION

1978	Stanford Law School, J.D.
1978	Stanford University, Ph.D. (Psychology)
1972	Stanford University, M.A. (Psychology)
1970	University of Pennsylvania, B.A.

## HONORS AWARDS GRANTS

- 2012      Appointed to National Academy of Sciences Committee to Study the Causes and Consequences of High Rates of Incarceration in the United States.
- Invited Witness, United States Senate, Judiciary Committee.
- 2011      Edward G. Donnelly Memorial Speaker, University of West Virginia Law School.
- 2009      Nominated as American Psychological Foundation William Bevan Distinguished Lecturer.
- Psi Chi “Best Lecturer” Award (by vote of UCSC undergraduate psychology majors).
- 2006      Herbert Jacobs Prize for Most Outstanding Book published on law and society in 2005 (from the Law & Society Association, for Death by Design).
- Nominated for National Book Award (by American Psychological Association Books, for Reforming Punishment: Psychological Limits to the Pains of Imprisonment).
- “Dream course” instructor in psychology and law, University of Oklahoma.
- 2005      Annual Distinguished Faculty Lecturer, University of California, Santa Cruz.
- Arthur C. Helton Human Rights Award from the American Immigration Lawyers Association (co-recipient).
- Scholar-in-Residence, Center for Social Justice, Boalt Hall School of Law (University of California, Berkeley).
- 2004      “Golden Apple Award” for Distinguished Teaching, awarded by the Social Sciences Division, University of California, Santa Cruz.
- National Science Foundation Grant to Study Capital Jury Decision-making

- 2002 Santa Cruz Alumni Association Distinguished Teaching Award, University of California, Santa Cruz.
- United States Department of Health & Human Services/Urban Institute, “Effects of Incarceration on Children, Families, and Low-Income Communities” Project.
- American Association for the Advancement of Science/American Academy of Forensic Science Project: “Scientific Evidence Summit” Planning Committee.
- Teacher of the Year (UC Santa Cruz Re-Entry Students’ Award).
- 2000 Invited Participant White House Forum on the Uses of Science and Technology to Improve National Crime and Prison Policy.
- Excellence in Teaching Award (Academic Senate Committee on Teaching).
- Joint American Association for the Advancement of Science-American Bar Association Science and Technology Section National Conference of Lawyers and Scientists.
- 1999 American Psychology-Law Society Presidential Initiative Invitee (“Reviewing the Discipline: A Bridge to the Future”)
- National Science Foundation Grant to Study Capital Jury Decision-making (renewal and extension).
- 1997 National Science Foundation Grant to Study Capital Jury Decision-making.
- 1996 Teacher of the Year (UC Santa Cruz Re-Entry Students’ Award).
- 1995 Gordon Allport Intergroup Relations Prize (Honorable Mention)
- Excellence in Teaching Convocation, Social Sciences Division
- 1994 Outstanding Contributions to Preservation of Constitutional Rights, California Attorneys for Criminal Justice.
- 1992 Psychology Undergraduate Student Association Teaching Award
- SR 43 Grant for Policy-Oriented Research With Linguistically Diverse Minorities
- 1991 Alumni Association Teaching Award (“Favorite Professor”)



- 1990        Prison Law Office Award for Contributions to Prison Litigation
- 1989        UC Mexus Award for Comparative Research on Mexican Prisons
- 1976        Hilmer Oehlmann Jr. Award for Excellence in Legal Writing at  
Stanford Law School
- 1975-76     Law and Psychology Fellow, Stanford Law School
- 1974-76     Russell Sage Foundation Residency in Law and Social Science
- 1974        Gordon Allport Intergroup Relations Prize, Honorable Mention
- 1969-71     University Fellow, Stanford University
- 1969-74     Society of Sigma Xi
- 1969        B.A. Degree Magna cum laude with Honors in Psychology  
Phi Beta Kappa
- 1967-1969   University Scholar, University of Pennsylvania

#### UNIVERSITY SERVICE AND ADMINISTRATION

- 2010-present    Director, Legal Studies Program
- 2010-present    Director, Graduate Program in Social Psychology
- 2009             Chair, Legal Studies Review Committee
- 2004-2006      Chair, Committee on Academic Personnel
- 1998-2002      Chair, Department of Psychology
- 1994-1998      Chair, Department of Sociology
- 1992-1995      Chair, Legal Studies Program
- 1995 (Fall)      Committee on Academic Personnel
- 1995-1996      University Committee on Academic Personnel (UCAP)

1990-1992	Committee on Academic Personnel
1991-1992	Chair, Social Science Division Academic Personnel Committee
1984-1986	Chair, Committee on Privilege and Tenure

## WRITINGS AND OTHER CREATIVE ACTIVITIES IN PROGRESS

### Books:

Context and Criminality: Social History and Circumstance in Crime Causation (working title, in preparation).

### Articles:

“The Psychological Foundations of Capital Mitigation: Why Social Historical Factors Are Central to Assessing Culpability,” in preparation.

## PUBLISHED WRITINGS AND CREATIVE ACTIVITIES

### Books

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| 2006 | <u>Reforming Punishment: Psychological Limits to the Pains of Imprisonment</u> , Washington, DC: American Psychological Association Books. |
| 2005 | <u>Death by Design: Capital Punishment as a Social Psychological System</u> . New York: Oxford University Press.                           |

### Monographs and Technical Reports

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| 1989 | <u>Employment Testing and Employment Discrimination</u> (with A. Hurtado). Technical Report for the National Commission on Testing and Public Policy. New York: Ford Foundation. |
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### Articles in Professional Journals and Book Chapters

- 2012 “Politicizing Crime and Punishment: Redefining ‘Justice’ to Fight the ‘War on Prisoners,’” West Virginia Law Review, 114, 373-414.
- “Prison Effects in the Age of Mass Imprisonment,” Prison Journal, in press.
- “The Pains of Imprisonment: Prisonization and the Psychological Consequences of Incarceration,” in J. Petersilia & K. Reitz (Eds.), Oxford Handbook of Sentencing and Corrections (pp. 584-605). New York: Oxford University Press.
- 2011 “The Perversions of Prison: On the Origins of Hypermasculinity and Sexual Violence in Confinement,” American Criminal Law Review, 48, 121-141. [Reprinted in: S. Ferguson (Ed.), Readings in Race, Gender, Sexuality, and Social Class. Sage Publications (2012).]
- “Mapping the Racial Bias of the White Male Capital Juror: Jury Composition and the ‘Empathic Divide”” (with Mona Lynch), Law and Society Review, 45, 69-102.
- “Getting to the Point: Attempting to Improve Juror Comprehension of Capital Penalty Phase Instructions” (with Amy Smith), Law and Human Behavior, 35, 339-350.
- “Where the Boys Are: Macro and Micro Considerations for the Study of Young Latino Men’s Educational Achievement” (with A. Hurtado & J. Hurtado), in P. Noguera & A. Hurtado (Eds.), Understanding the Disenfranchisement of Latino Males: Contemporary Perspectives on Cultural and Structural Factors (pp. 101-121). New York: Routledge Press.
- “Looking Across the Empathic Divide: Racialized Decision-Making on the Capital Jury” (with Mona Lynch), Michigan State Law Review, 2011, 573-608.
- 2010 “Demonizing the ‘Enemy’: The Role of Science in Declaring the ‘War on Prisoners,’” Connecticut Public Interest Law Review, 9, 139-196.
- “Hiding From the Death Penalty,” Huffington Post, July 26, 2010 [[www.huffingtonpost.com/craig-haney/hiding-from-the-death-pen-pen\\_b\\_659940.html](http://www.huffingtonpost.com/craig-haney/hiding-from-the-death-pen-pen_b_659940.html)]; reprinted in Sentencing and Justice Reform Advocate, 2, 3 (February, 2011).

- 2009 “Capital Jury Deliberation: Effects on Death Sentencing, Comprehension, and Discrimination” (with Mona Lynch), Law and Human Behavior, 33, 481-496.
- “The Social Psychology of Isolation: Why Solitary Confinement is Psychologically Harmful,” Prison Service Journal UK (Solitary Confinement Special Issue), Issue 181, 12-20. [Reprinted: California Prison Focus, #36, 1, 14-15 (2011).]
- “The Stanford Prison Experiment,” in John Levine & Michael Hogg (Eds.), Encyclopedia of Group Processes and Intergroup Relations. Thousand Oaks, CA: Sage Publications.
- “Media Criminology and the Death Penalty,” DePaul Law Review, 58, 689-740. (Reprinted: Capital Litigation Update, 2010.)
- “On Mitigation as Counter-Narrative: A Case Study of the Hidden Context of Prison Violence,” University of Missouri-Kansas City Law Review, 77, 911-946.
- “Persistent Dispositionalism in Interactionist Clothing: Fundamental Attribution Error in Explaining Prison Abuse,” (with P. Zimbardo), Personality and Social Psychology Bulletin, 35, 807-814.
- 2008 “Counting Casualties in the War on Prisoners,” University of San Francisco Law Review, 43, 87-138.
- “Evolving Standards of Decency: Advancing the Nature and Logic of Capital Mitigation,” Hofstra Law Review, 36, 835-882.
- “A Culture of Harm: Taming the Dynamics of Cruelty in Supermax Prisons,” Criminal Justice and Behavior, 35, 956-984.
- “The Consequences of Prison Life: Notes on the New Psychology of Prison Effects,” in D. Canter & R. Zukauskienė (Eds.), Psychology and Law: Bridging the Gap (pp. 143-165). Burlington, VT: Ashgate Publishing.
- “The Stanford Prison Experiment,” in J. Bennett & Y. Jewkes (Eds.), Dictionary of Prisons (pp. 278-280). Devon, UK: Willan Publishers.
- “Capital Mitigation,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 60-63). Volume I. Thousand Oaks, CA: Sage Publications.

- Death Qualification of Juries,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 190-192). Volume I. Thousand Oaks, CA: Sage Publications.
- “Stanford Prison Experiment,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 756-757) (with P. Zimbardo). Volume II. Thousand Oaks, CA: Sage Publications.
- “Supermax Prisons,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 787-790). Volume II. Thousand Oaks, CA: Sage Publications.
- 2006 “The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions,” Washington University Journal of Law & Policy, 22, 265-293. [Reprinted in: N. Berlatsky, Opposing Viewpoints: America’s Prisons. Florence, KY: Cengage Learning, 2010.]
- “Exonerations and Wrongful Condemnations: Expanding the Zone of Perceived Injustice in Capital Cases,” Golden Gate Law Review, 37, 131-173.
- “Preface,” D. Jones (Ed.), Humane Prisons. San Francisco, CA: Radcliffe Medical Press.
- 2005 “The Contextual Revolution in Psychology and the Question of Prison Effects,” in Alison Liebling and Shadd Maruna (Eds.), The Effects of Imprisonment (pp. 66-93). Devon, UK: Willan Publishing.
- “Achieving Educational Equity: Beyond Individual Measures of Merit,” (with A. Hurtado), Harvard Journal of Hispanic Policy, 17, 87-92.
- “Conditions of Confinement for Detained Asylum Seekers Subject to Expedited Removal,” in M. Hetfield (Ed.), Report on Asylum Seekers in Expedited Removal. Volume II: Expert Reports. Washington, DC: United States Commission on International Religious Freedom.
- 2004 “Special Issue on the Death Penalty in the United States” (co-edited with R. Weiner), Psychology, Public Policy, and Law, 10, 374-621.

“Death Is Different: An Editorial Introduction” (with R. Wiener), Psychology, Public Policy, and Law, 10, 374-378.

“The Death Penalty in the United States: A Crisis of Conscience” (with R. Wiener), Psychology, Public Policy, and Law, 10, 618-621.

“Condemning the Other in Death Penalty Trials: Biographical Racism, Structural Mitigation, and the Empathic Divide,” DePaul Law Review, 53, 1557-1590.

“Capital Constructions: Newspaper Reporting in Death Penalty Cases” (with S. Greene), Analyses of Social Issues and Public Policy (ASAP), 4, 1-22.

“Abu Ghraib and the American Prison System,” The Commonwealth, 98 (#16), 40-42.

“Disciplinary Segregation,” in Mary Bosworth (Ed.), Encyclopedia of U.S. Prisons and Correctional Facilities (240-244). Volume 1. Thousand Oaks, CA: Sage Publications.

“Super-Maximum Secure Prisons,” in Mary Bosworth (Ed.), Encyclopedia of U.S. Prisons and Correctional Facilities (pp. 938-944). Volume 2. Thousand Oaks, CA: Sage Publications.

2003 “Mental Health Issues in Long-Term Solitary and ‘Supermax’ Confinement,” Crime & Delinquency (special issue on mental health and the criminal justice system), 49, 124-156. [Reprinted in: Roesch, R., & Gagnon, N. (Eds.), Psychology and Law: Criminal and Civil Perspectives. Hampshire, UK: Ashgate (2007).]

“The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment,” in Travis, J., & Waul, M. (Eds.), Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities (pp. 33-66). Washington, DC: Urban Institute Press.

“Comments on “Dying Twice”: Death Row Confinement in the Age of the Supermax,” Capital University Law Review, in press.

2002 “Making Law Modern: Toward a Contextual Model of Justice,” Psychology, Public Policy, and Law, 7, 3-63.

“Psychological Jurisprudence: Taking Psychology and Law into the Twenty-First Century,” (with John Darley, Sol Fulero, and Tom

Tyler), in J. Ogloff (Ed.), Taking Psychology and Law into the Twenty-First Century (pp. 35-59). New York: Kluwer Academic/Plenum Publishing.

“Science, Law, and Psychological Injury: The Daubert Standards and Beyond,” (with Amy Smith), in Schultz, I., Brady, D., and Carella, S., The Handbook of Psychological Injury (pp. 184-201). Chicago, IL: American Bar Association. [CD-ROM format]

2001 “Vulnerable Offenders and the Law: Treatment Rights in Uncertain Legal Times” (with D. Specter). In J. Ashford, B. Sales, & W. Reid (Eds.), Treating Adult and Juvenile Offenders with Special Needs (pp. 51-79). Washington, D.C.: American Psychological Association.

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2000 “Discrimination and Instructional Comprehension: Guided Discretion, Racial Bias, and the Death Penalty” (with M. Lynch), Law and Human Behavior, 24, 337-358.

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1999 “Reflections on the Stanford Prison Experiment: Genesis, Transformations, Consequences (‘The SPE and the Analysis of Institutions’),” In Thomas Blass (Ed.), Obedience to Authority: Current Perspectives on the Milgram Paradigm (pp. 221-237). Hillsdale, NJ: Erlbaum.

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1998 “The Past and Future of U.S. Prison Policy: Twenty-Five Years After the Stanford Prison Experiment,” (with P. Zimbardo), American Psychologist, 53, 709-727. [Reprinted in special issue of Norwegian journal as: USAs fengselspolitikk i fortid og fremtid, Vardoger, 25, 171-183 (2000); in H. Tischler (Ed.), Debating Points: Crime and Punishment. Englewood Cliffs, NJ: Prentice-Hall (2001); Annual Editions: Criminal Justice. Guilford, CT: Dushkin/McGraw-Hill, in press; Herman, Peter (Ed.), The American Prison System (pp. 17-43) (Reference Shelf Series). New York: H.W. Wilson (2001); and in Edward Latessa & Alexander Holsinger (Eds.), Correctional

Contexts: Contemporary and Classical Readings. Fourth Edition. Oxford University Press (2010).]

“Riding the Punishment Wave: On the Origins of Our Devolving Standards of Decency,” Hastings Women’s Law Journal, 9, 27-78.

“Becoming the Mainstream: “Merit,” Changing Demographics, and Higher Education in California” (with A. Hurtado and E. Garcia), La Raza Law Journal, 10, 645-690.

1997 “Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement,” (with M. Lynch), New York University Review of Law and Social Change, 23, 477-570.

“Psychology and the Limits to Prison Pain: Confronting the Coming Crisis in Eighth Amendment Law,” Psychology, Public Policy, and Law, 3, 499-588.

“Commonsense Justice and the Death Penalty: Problematizing the ‘Will of the People,’” Psychology, Public Policy, and Law, 3, 303-337.

“Violence and the Capital Jury: Mechanisms of Moral Disengagement and the Impulse to Condemn to Death,” Stanford Law Review, 49, 1447-1486.

“Mitigation and the Study of Lives: The Roots of Violent Criminality and the Nature of Capital Justice.” In James Acker, Robert Bohm, and Charles Lanier, America’s Experiment with Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction. Durham, NC: Carolina Academic Press, 343-377.

“Clarifying Life and Death Matters: An Analysis of Instructional Comprehension and Penalty Phase Arguments” (with M. Lynch), Law and Human Behavior, 21, 575-595.

“Psychological Secrecy and the Death Penalty: Observations on ‘the Mere Extinguishment of Life,’” Studies in Law, Politics, and Society, 16, 3-69.

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“Taking Capital Jurors Seriously,” Indiana Law Journal, 70, 1223-1232.

“Death Penalty Opinion: Myth and Misconception,” California Criminal Defense Practice Reporter, 1995(1), 1-7.

1994 “The Jurisprudence of Race and Meritocracy: Standardized Testing and ‘Race-Neutral’ Racism in the Workplace,” (with A. Hurtado), Law and Human Behavior, 18, 223-248.

“Comprehending Life and Death Matters: A Preliminary Study of California’s Capital Penalty Instructions” (with M. Lynch), Law and Human Behavior, 18, 411-434.

“Felony Voir Dire: An Exploratory Study of Its Content and Effect,” (with C. Johnson), Law and Human Behavior, 18, 487-506.

“Broken Promise: The Supreme Court’s Response to Social Science Research on Capital Punishment” (with D. Logan), Journal of Social Issues (special issue on the death penalty in the United States), 50, 75-101.

“Deciding to Take a Life: Capital Juries, Sentencing Instructions, and the Jurisprudence of Death” (with L. Sontag and S. Costanzo), Journal of Social Issues (special issue on the death penalty in the United States), 50, 149-176. [Reprinted in Koosed, M. (Ed.), Capital Punishment. New York: Garland Publishing (1995).]

“Modern’ Death Qualification: New Data on Its Biasing Effects,” (with A. Hurtado and L. Vega), Law and Human Behavior, 18, 619-633.

“Processing the Mad, Badly,” Contemporary Psychology, 39, 898-899.

“Language is Power,” Contemporary Psychology, 39, 1039-1040.

1993 “Infamous Punishment: The Psychological Effects of Isolation,” National Prison Project Journal, 8, 3-21. [Reprinted in Marquart, James & Sorensen, Jonathan (Eds.), Correctional Contexts: Contemporary and Classical Readings (pp. 428-437). Los Angeles: Roxbury Publishing (1997); Alarid, Leanne & Cromwell, Paul (Eds.), Correctional Perspectives: Views from Academics, Practitioners,

and Prisoners (pp. 161-170). Los Angeles: Roxbury Publishing (2001).]

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- “The Influence of Race on Sentencing: A Meta-Analytic Review of Experimental Studies.” (with L. Sweeney). Special issue on Discrimination and the Law. Behavioral Science and Law, 10, 179-195.
- 1991 “The Fourteenth Amendment and Symbolic Legality: Let Them Eat Due Process,” Law and Human Behavior, 15, 183-204.
- 1988 “In Defense of the Jury,” Contemporary Psychology, 33, 653-655.
- 1986 “Civil Rights and Institutional Law: The Role of Social Psychology in Judicial Implementation,” (with T. Pettigrew), Journal of Community Psychology, 14, 267-277.
- 1984 “Editor’s Introduction. Special Issue on Death Qualification,” Law and Human Behavior, 8, 1-6.
- “On the Selection of Capital Juries: The Biasing Effects of Death Qualification,” Law and Human Behavior, 8, 121-132.
- “Examining Death Qualification: Further Analysis of the Process Effect,” Law and Human Behavior, 8, 133-151.
- “Evolving Standards and the Capital Jury,” Law and Human Behavior, 8, 153-158.
- “Postscript,” Law and Human Behavior, 8, 159.
- “Social Factfinding and Legal Decisions: Judicial Reform and the Use of Social Science.” In Muller, D., Blackman, D., and Chapman,

- A. (Eds.), Perspectives in Psychology and Law. New York: John Wiley, pp. 43-54.
- 1983 “The Future of Crime and Personality Research: A Social Psychologist’s View,” in Laufer, W. and Day, J. (Eds.), Personality Theory, Moral Development, and Criminal Behavioral Behavior. Lexington, Mass.: Lexington Books, pp. 471-473.
- “The Good, the Bad, and the Lawful: An Essay on Psychological Injustice,” in Laufer, W. and Day, J. (Eds.), Personality Theory, Moral Development, and Criminal Behavior. Lexington, Mass.: Lexington Books, pp. 107-117.
- “Ordering the Courtroom, Psychologically,” Jurimetrics, 23, 321-324.
- 1982 “Psychological Theory and Criminal Justice Policy: Law and Psychology in the ‘Formative Era,’” Law and Human Behavior, 6, 191-235. [Reprinted in Presser, S. and Zainaldin, J. (Eds.), Law and American History: Cases and Materials. Minneapolis, MN: West Publishing, 1989; and in C. Kubrin, T. Stucky & A. Tynes (Eds.) Introduction to Criminal Justice: A Sociological Perspective. Palo Alto, CA: Stanford University Press (2012).]
- “Data and Decisions: Social Science and Judicial Reform,” in P. DuBois (Ed.), The Analysis of Judicial Reform. Lexington, Mass.: D.C. Heath, pp. 43-59.
- “Employment Tests and Employment Discrimination: A Dissenting Psychological Opinion,” Industrial Relations Law Journal, 5, pp. 1-86.
- “To Polygraph or Not: The Effects of Preemployment Polygraphing on Work-Related Attitudes,” (with L. White and M. Lopez), Polygraph, 11, 185-199.
- 1981 “Death Qualification as a Biasing Legal Process,” The Death Penalty Reporter, 1 (10), pp. 1-5. [Reprinted in Augustus: A Journal of Progressive Human Sciences, 9(3), 9-13 (1986).]
- 1980 “Juries and the Death Penalty: Readdressing the Witherspoon Question,” Crime and Delinquency, October, pp. 512-527.

- “Psychology and Legal Change: On the Limits of a Factual Jurisprudence,” Law and Human Behavior, 6, 191-235. [Reprinted in Loh, Wallace (Ed.), Social Research and the Judicial Process. New York: Russell Sage, 1983.]
- “The Creation of Legal Dependency: Law School in a Nutshell” (with M. Lowy), in R. Warner (Ed.), The People’s Law Review. Reading, Mass.: Addison-Wesley, pp. 36-41.
- “Television Criminology: Network Illusions of Criminal Justice Realities” (with J. Manzolati), in E. Aronson (Ed.), Readings on the Social Animal. San Francisco, W.H. Freeman, pp. 125-136.
- 1979 “A Psychologist Looks at the Criminal Justice System,” in A. Calvin (Ed.), Challenges and Alternatives to the Criminal Justice System. Ann Arbor: Monograph Press, pp. 77-85.
- “Social Psychology and the Criminal Law,” in P. Middlebrook (Ed.), Social Psychology and Modern Life. New York: Random House, pp. 671-711.
- “Bargain Justice in an Unjust World: Good Deals in the Criminal Courts” (with M. Lowy), Law and Society Review, 13, pp. 633-650. [Reprinted in Kadish, Sanford and Paulsen, Robert (Eds.), Criminal Law and Its Processes. Boston: Little, Brown, 1983.]
- 1977 “Prison Behavior” (with P. Zimbardo), in B. Wolman (Ed.), The Encyclopedia of Neurology, Psychiatry, Psychoanalysis, and Psychology, Vol. IX, pp. 70-74.
- “The Socialization into Criminality: On Becoming a Prisoner and a Guard” (with P. Zimbardo), in J. Tapp and F. Levine (Eds.), Law, Justice, and the Individual in Society: Psychological and Legal Issues (pp. 198-223). New York: Holt, Rinehart, and Winston.
- 1976 “The Play’s the Thing: Methodological Notes on Social Simulations,” in P. Golden (Ed.), The Research Experience, pp. 177-190. Itasca, IL: Peacock.
- 1975 “The Blackboard Penitentiary: It’s Tough to Tell a High School from a Prison” (with P. Zimbardo). Psychology Today, 26ff.
- “Implementing Research Results in Criminal Justice Settings,”

Proceedings, Third Annual Conference on Corrections in the U.S. Military, Center for Advanced Study in the Behavioral Sciences, June 6-7.

“The Psychology of Imprisonment: Privation, Power, and Pathology” (with P. Zimbardo, C. Banks, and D. Jaffe), in D. Rosenhan and P. London (Eds.), Theory and Research in Abnormal Psychology. New York: Holt Rinehart, and Winston. [Reprinted in: Rubin, Z. (Ed.), Doing Unto Others: Joining, Molding, Conforming, Helping, Loving. Englewood Cliffs: Prentice-Hall, 1974. Brigham, John, and Wrightsman, Lawrence (Eds.) Contemporary Issues in Social Psychology. Third Edition. Monterey: Brooks/Cole, 1977. Calhoun, James Readings, Cases, and Study Guide for Psychology of Adjustment and Human Relationships. New York: Random House, 1978.]

1973

“Social Roles, Role-Playing, and Education” (with P. Zimbardo), The Behavioral and Social Science Teacher, Fall, 1(1), pp. 24-45. [Reprinted in: Zimbardo, P., and Maslach, C. (Eds.) Psychology For Our Times. Glenview, Ill.: Scott, Foresman, 1977. Hollander, E. and Hunt, R. (Eds.) Current Perspectives in Social Psychology. Third Edition. New York: Oxford University Press, 1978.]

“The Mind is a Formidable Jailer: A Pirandellian Prison” (with P. Zimbardo, C. Banks, and D. Jaffe), The New York Times Magazine, April 8, Section 6, 38-60. [Reprinted in Krupat, E. (Ed.), Psychology Is Social: Readings and Conversations in Social Psychology. Glenview, Ill.: Scott, Foresman, 1982.]

“Interpersonal Dynamics in a Simulated Prison” (with C. Banks and P. Zimbardo), International Journal of Criminology and Penology, 1, pp. 69-97. [Reprinted in: Steffensmeier, Darrell, and Terry, Robert (Eds.) Examining Deviance Experimentally. New York: Alfred Publishing, 1975; Golden, P. (Ed.) The Research Experience. Itasca, Ill.: Peacock, 1976; Leger, Robert (Ed.) The Sociology of Corrections. New York: John Wiley, 1977; A kiserleti tarsadalom-lelektan foarma. Budapest, Hungary: Gondolat Konyvkiado, 1977; Johnston, Norman, and Savitz, L. Justice and Corrections. New York: John Wiley, 1978; Research Methods in Education and Social Sciences. The Open University, 1979; Goldstein, J. (Ed.), Modern Sociology. British Columbia: Open Learning Institute, 1980; Ross, Robert R. (Ed.), Prison Guard/ Correctional Officer: The Use and Abuse of Human Resources of Prison. Toronto: Butterworth's 1981; Monahan, John, and Walker, Laurens (Eds.), Social Science in Law: Cases, Materials, and Problems. Foundation Press, 1985; Siuta, Jerzy (Ed.), The Context of Human Behavior. Jagiellonian

University Press, 2001; Ferguson, Susan (Ed.), Mapping the Social Landscape: Readings in Sociology. St. Enumclaw, WA: Mayfield Publishing, 2001 & 2010; Pethes, Nicolas (Ed.), Menschenversuche (Experiments with Humans). Frankfurt, Germany: Suhrkamp Verlag, 2006.]

“A Study of Prisoners and Guards” (with C. Banks and P. Zimbardo). Naval Research Reviews, 1-17. [Reprinted in Aronson, E. (Ed.) Readings About the Social Animal. San Francisco: W.H. Freeman, 1980; Gross, R. (Ed.) Key Studies in Psychology. Third Edition. London: Hodder & Stoughton, 1999; Collier, C. (Ed.), Basic Themes in Law and Jurisprudence. Anderson Publishing, 2000.]

## MEMBERSHIP/ACTIVITIES IN PROFESSIONAL ASSOCIATIONS

American Psychological Association

American Psychology and Law Society

Law and Society Association

National Council on Crime and Delinquency

## INVITED ADDRESSES AND PAPERS PRESENTED AT PROFESSIONAL ACADEMIC MEETINGS AND RELATED SETTINGS (SELECTED)

- 2012 “The Psychological Consequences of Long-term Solitary Confinement,” Joint Yale/Columbia Law School Conference on Incarceration and Isolation, New York, April.
- 2011 “Tensions Between Psychology and the Criminal Justice System: On the Persistence of Injustice,” opening presentation, “A Critical Eye on Criminal Justice” lecture series, Golden Gate University Law School, San Francisco, CA, January.
- “The Decline in Death Penalty Verdicts and Executions: The Death of Capital Punishment?” Presentation at “A Legacy of Justice” week, at the University of California, Davis King Hall Law School, Davis, CA, January.

“Invited Keynote Address: The Nature and Consequences of Prison Overcrowding—Urgency and Implications,” West Virginia School of Law, Morgantown, West Virginia, March.

“Symposium: The Stanford Prison Experiment—Enduring Lessons 40 Years Later,” American Psychological Association Annual Convention, Washington, DC, August.

“The Dangerous Overuse of Solitary Confinement: Pervasive Human Rights Violations in Prisons, Jails, and Other Places of Detention” Panel, United Nations, New York, New York, October.

“Criminal Justice Reform: Issues and Recommendation,” United States Congress, Washington, DC, November.

2010 “The Hardening of Prison Conditions,” Opening Address, “The Imprisoned” Arthur Liman Colloquium Public Interest Series, Yale Law School, New Haven, CN, March.

“Desensitization to Inhumane Treatment: The Pitfalls of Prison Work,” panel presentation at “The Imprisoned” Arthur Liman Colloquium Public Interest Series, Yale Law School, New Haven, CN, March.

“Mental Ill Health in Immigration Detention,” Department of Homeland Security/DOJ Office for Civil Rights and Civil Liberties, Washington, DC, September.

2009 “Counting Casualties in the War on Prisoners,” Keynote Address, at “The Road to Prison Reform: Treating the Causes and Conditions of Our Overburdened System,” University of Connecticut Law School, Hartford, CN, February.

“Defining the Problem in California’s Prison Crisis: Overcrowding and Its Consequences,” California Correctional Crisis Conference,” Hastings Law School, San Francisco, CA, March.

2008 “Prisonization and Contemporary Conditions of Confinement,” Keynote Address, Women Defenders Association, Boalt Law School, University of California, November.

“Media Criminology and the Empathic Divide: The Continuing

Significance of Race in Capital Trials,” Invited Address, Media, Race, and the Death Penalty Conference, DePaul University School of Law, Chicago, IL, March.

“The State of the Prisons in California,” Invited Opening Address, Confronting the Crisis: Current State Initiatives and Lasting Solutions for California’s Prison Conditions Conference, University of San Francisco School of Law, San Francisco, CA, March.

“Mass Incarceration and Its Effects on American Society,” Invited Opening Address, Behind the Walls Prison Law Symposium, University of California Davis School of Law, Davis, CA, March.

2007 “The Psychology of Imprisonment: How Prison Conditions Affect Prisoners and Correctional Officers,” United States Department of Justice, National Institute of Corrections Management Training for “Correctional Excellence” Course, Denver, CO, May.

“Statement on Psychologists, Detention, and Torture,” Invited Address, American Psychological Association Annual Convention, San Francisco, CA, August.

“Prisoners of Isolation,” Invited Address, University of Indiana Law School, Indianapolis, IN, October.

“Mitigation in Three Strikes Cases,” Stanford Law School, Palo Alto, CA, September.

“The Psychology of Imprisonment,” Occidental College, Los Angeles, CA, November.

2006 “Mitigation and Social Histories in Death Penalty Cases,” Ninth Circuit Federal Capital Case Committee, Seattle, WA, May.

“The Crisis in the Prisons: Using Psychology to Understand and Improve Prison Conditions,” Invited Keynote Address, Psi Chi (Undergraduate Psychology Honor Society) Research Conference, San Francisco, CA, May.

“Exoneration and ‘Wrongful Condemnation’: Why Juries Sentence to Death When Life is the Proper Verdict,” Faces of Innocence Conference, UCLA Law School, April.

“The Continuing Effects of Imprisonment: Implications for Families and Communities,” Research and Practice Symposium on



Incarceration and Marriage, United States Department of Health and Human Services, Washington, DC, April.

“Ordinary People, Extraordinary Acts,” National Guantanamo Teach In, Seton Hall School of Law, Newark, NJ, October.

“The Next Generation of Death Penalty Research,” Invited Address, State University of New York, School of Criminal Justice, Albany, NY, October.

2005 “The ‘Design’ of the System of Death Sentencing: Systemic Forms of ‘Moral Disengagement in the Administration of Capital Punishment, Scholar-in-Residence, invited address, Center for Social Justice, Boalt Hall School of Law (Berkeley), March.

“Humane Treatment for Asylum Seekers in U.S. Detention Centers, United States House of Representatives, Washington, DC, March.

“Prisonworld: What Overincarceration Has Done to Prisoners and the Rest of Us,” Scholar-in-Residence, invited address, Center for Social Justice, Boalt Hall School of Law (Berkeley), March.

“Prison Conditions and Their Psychological Effects on Prisoners,” European Association for Psychology and Law, Vilnius, Lithuania, July.

2004 “Recognizing the Adverse Psychological Effects of Incarceration, With Special Attention to Solitary-Type Confinement and Other Forms of ‘Ill-Treatment’ in Detention,” International Committee of the Red Cross, Training Program for Detention Monitors, Geneva, Switzerland, November.

“Prison Conditions in Post-“War on Crime” Era: Coming to Terms with the Continuing Pains of Imprisonment,” Boalt Law School Conference, After the War on Crime: Race, Democracy, and a New Reconstruction, Berkeley, CA, October.

“Cruel and Unusual? The United States Prison System at the Start of the 21<sup>st</sup> Century,” Invited speaker, Siebel Scholars Convocation, University of Illinois, Urbana, IL, October.

“The Social Historical Roots of Violence: Introducing Life Narratives into Capital Sentencing Procedures,” Invited Symposium, XXVIII International Congress of Psychology, Beijing, China, August.

“Death by Design: Capital Punishment as a Social Psychological System,” Division 41 (Psychology and Law) Invited Address, American Psychological Association Annual Convention, Honolulu, HI, July.

“The Psychology of Imprisonment and the Lessons of Abu Ghraib,” Commonwealth Club Public Interest Lecture Series, San Francisco, May.

“Restructuring Prisons and Restructuring Prison Reform,” Yale Law School Conference on the Current Status of Prison Litigation in the United States, New Haven, CN, May.

“The Effects of Prison Conditions on Prisoners and Guards: Using Psychological Theory and Data to Understand Prison Behavior,” United States Department of Justice, National Institute of Corrections Management Training Course, Denver, CO, May.

“The Contextual Revolution in Psychology and the Question of Prison Effects: What We Know about How Prison Affects Prisoners and Guards,” Cambridge University, Cambridge, England, April.

“Death Penalty Attitudes, Death Qualification, and Juror Instructional Comprehension,” American Psychology-Law Society, Annual Conference, Scottsdale, AZ, March.

2003

“Crossing the Empathic Divide: Race Factors in Death Penalty Decisionmaking,” DePaul Law School Symposium on Race and the Death Penalty in the United States, Chicago, October.

“Supermax Prisons and the Prison Reform Paradigm,” PACE Law School Conference on Prison Reform Revisited: The Unfinished Agenda, New York, October.

“Mental Health Issues in Supermax Confinement,” European Psychology and Law Conference, University of Edinburgh, Scotland, July.

“Roundtable on Capital Punishment in the United States: The Key Psychological Issues,” European Psychology and Law Conference, University of Edinburgh, Scotland, July.

“Psychology and Legal Change: Taking Stock,” European Psychology and Law Conference, University of Edinburgh, Scotland, July.

“Economic Justice and Criminal Justice: Social Welfare and Social Control,” Society for the Study of Social Issues Conference, January.

“Race, Gender, and Class Issues in the Criminal Justice System,” Center for Justice, Tolerance & Community and Barrios Unidos Conference, March.

2002 “The Psychological Effects of Imprisonment: Prisonization and Beyond.” Joint Urban Institute and United States Department of Health and Human Services Conference on “From Prison to Home.” Washington, DC, January.

“On the Nature of Mitigation: Current Research on Capital Jury Decisionmaking.” American Psychology and Law Society, Mid-Winter Meetings, Austin, Texas, March.

“Prison Conditions and Death Row Confinement.” New York Bar Association, New York City, June.

2001 “Supermax and Solitary Confinement: The State of the Research and the State of the Prisons.” Best Practices and Human Rights in Supermax Prisons: A Dialogue. Conference sponsored by University of Washington and the Washington Department of Corrections, Seattle, September.

“Mental Health in Supermax: On Psychological Distress and Institutional Care.” Best Practices and Human Rights in Supermax Prisons: A Dialogue. Conference sponsored by University of Washington and the Washington Department of Corrections, Seattle, September.

“On the Nature of Mitigation: Research Results and Trial Process and Outcomes.” Boalt Hall School of Law, University of California, Berkeley, August.

“Toward an Integrated Theory of Mitigation.” American Psychological Association Annual Convention, San Francisco, CA, August.

Discussant: “Constructing Class Identities—The Impact of Educational Experiences.” American Psychological Association Annual Convention, San Francisco, CA, August.

- “The Rise of Carceral Consciousness.” American Psychological Association Annual Convention, San Francisco, CA, August.
- 2000
- “On the Nature of Mitigation: Countering Generic Myths in Death Penalty Decisionmaking,” City University of New York Second International Advances in Qualitative Psychology Conference, March.
- “Why Has U.S. Prison Policy Gone From Bad to Worse? Insights From the Stanford Prison Study and Beyond,” Claremont Conference on Women, Prisons, and Criminal Injustice, March.
- “The Use of Social Histories in Capital Litigation,” Yale Law School, April.
- “Debunking Myths About Capital Violence,” Georgetown Law School, April.
- “Research on Capital Jury Decisionmaking: New Data on Juror Comprehension and the Nature of Mitigation,” Society for Study of Social Issues Convention, Minneapolis, June.
- “Crime and Punishment: Where Do We Go From Here?” Division 41 Invited Symposium, “Beyond the Boundaries: Where Should Psychology and Law Be Taking Us?” American Psychological Association Annual Convention, Washington, DC, August.
- 1999
- “Psychology and the State of U.S. Prisons at the Millennium,” American Psychological Association Annual Convention, Boston, MA, August.
- “Spreading Prison Pain: On the Worldwide Movement Towards Incarcerative Social Control,” Joint American Psychology-Law Society/European Association of Psychology and Law Conference, Dublin, Ireland, July.
- 1998
- “Prison Conditions and Prisoner Mental Health,” Beyond the Prison Industrial Complex Conference, University of California, Berkeley, September.
- “The State of US Prisons: A Conversation,” International Congress of Applied Psychology, San Francisco, CA, August.

“Deathwork: Capital Punishment as a Social Psychological System,” Invited SPPSI Address, American Psychological Association Annual Convention, San Francisco, CA, August.

“The Use and Misuse of Psychology in Justice Studies: Psychology and Legal Change: What Happened to Justice?,” (panelist), American Psychological Association Annual Convention, San Francisco, CA, August.

“Twenty Five Years of American Corrections: Past and Future,” American Psychology and Law Society, Redondo Beach, CA, March.

1997 “Deconstructing the Death Penalty,” School of Justice Studies, Arizona State University, Tempe, AZ, October.

“Mitigation and the Study of Lives,” Invited Address to Division 41 (Psychology and Law), American Psychological Association Annual Convention, Chicago, August.

1996 “The Stanford Prison Experiment and 25 Years of American Prison Policy,” American Psychological Association Annual Convention, Toronto, August.

1995 “Looking Closely at the Death Penalty: Public Stereotypes and Capital Punishment,” Invited Address, Arizona State University College of Public Programs series on Free Speech, Affirmative Action and Multiculturalism, Tempe, AZ, April.

“Race and the Flaws of the Meritocratic Vision,” Invited Address, Arizona State University College of Public Programs series on Free Speech, Affirmative Action and Multiculturalism, Tempe, AZ, April.

“Taking Capital Jurors Seriously,” Invited Address, National Conference on Juries and the Death Penalty, Indiana Law School, Bloomington, February.

1994 “Mitigation and the Social Genetics of Violence: Childhood Treatment and Adult Criminality,” Invited Address, Conference on the Capital Punishment, Santa Clara Law School, October, Santa Clara.

- 1992 “Social Science and the Death Penalty,” Chair and Discussant, American Psychological Association Annual Convention, San Francisco, CA, August.
- 1991 “Capital Jury Decisionmaking,” Invited panelist, American Psychological Association Annual Convention, Atlanta, GA, August.
- 1990 “Racial Discrimination in Death Penalty Cases,” Invited presentation, NAACP Legal Defense Fund Conference on Capital Litigation, August, Airlie, VA.
- 1989 “Psychology and Legal Change: The Impact of a Decade,” Invited Address to Division 41 (Psychology and Law), American Psychological Association Annual Convention, New Orleans, LA., August.
- “Judicial Remedies to Pretrial Prejudice,” Law & Society Association Annual Meeting, Madison, WI, June.
- “The Social Psychology of Police Interrogation Techniques” (with R. Liebowitz), Law & Society Association Annual Meeting, Madison, WI, June.
- 1987 “The Fourteenth Amendment and Symbolic Legality: Let Them Eat Due Process,” APA Annual Convention, New York, N.Y. August.
- “The Nature and Function of Prison in the United States and Mexico: A Preliminary Comparison,” InterAmerican Congress of Psychology, Havana, Cuba, July.
- 1986 Chair, Division 41 Invited Address and “Commentary on the Execution Ritual,” APA Annual Convention, Washington, D.C., August.
- “Capital Punishment,” Invited Address, National Association of Criminal Defense Lawyers Annual Convention, Monterey, CA, August.
- 1985 “The Role of Law in Graduate Social Science Programs” and “Current Directions in Death Qualification Research,” American Society of Criminology, San Diego, CA, November.

- “The State of the Prisons: What’s Happened to ‘Justice’ in the ‘70s and ‘80s?” Invited Address to Division 41 (Psychology and Law); APA Annual Convention, Los Angeles, CA, August.
- 1983 “The Role of Social Science in Death Penalty Litigation.” Invited Address in National College of Criminal Defense Death Penalty Conference, Indianapolis, IN, September.
- 1982 “Psychology in the Court: Social Science Data and Legal Decision-Making.” Invited Plenary Address, International Conference on Psychology and Law, University College, Swansea, Wales, July.
- 1982 “Paradigms in Conflict: Contrasting Methods and Styles of Psychology and Law.” Invited Address, Social Science Research Council, Conference on Psychology and Law, Wolfson College, Oxford University, March.
- 1982 “Law and Psychology: Conflicts in Professional Roles.” Invited paper, Western Psychological Association Annual Meeting, April.
- 1980 “Using Psychology in Test Case Litigation,” panelist, American Psychological Association Annual Convention, Montreal, Canada, September.
- “On the Selection of Capital Juries: The Biasing Effects of Death Qualification.” Paper presented at the Interdisciplinary Conference on Capital Punishment. Georgia State University, Atlanta, GA, April.
- “Diminished Capacity and Imprisonment: The Legal and Psychological Issues,” Proceedings of the American Trial Lawyers Association, Mid-Winter Meeting, January.
- 1975 “Social Change and the Ideology of Individualism in Psychology and Law.” Paper presented at the Western Psychological Association Annual Meeting, April.

SERVICE TO STAFF OR EDITORIAL BOARDS OF FOUNDATIONS, SCHOLARLY JOURNALS OR PRESSES

- 2011-present Editorial Consultant, Social Psychological and Personality Science.
- 2008-present Editorial Consultant, New England Journal of Medicine.
- 2007-present Editorial Board Member, Correctional Mental Health Reporter.
- 2007-present Editorial Board Member, Journal of Offender Behavior and Rehabilitation.
- 2004-present Editorial Board Member, American Psychology and Law Society Book Series, Oxford University Press.
- 2000-2003 Reviewer, Society for the Study of Social Issues Grants-in-Aid Program.
- 2000-present Editorial Board Member, ASAP (on-line journal of the Society for the Study of Social Issues)
- 1997-present Editorial Board Member, Psychology, Public Policy, and Law
- 1991 Editorial Consultant, Brooks/Cole Publishing
- 1989 Editorial Consultant, Journal of Personality and Social Psychology
- 1988- Editorial Consultant, American Psychologist
- 1985 Editorial Consultant, American Bar Foundation Research Journal
- 1985-2006 Law and Human Behavior, Editorial Board Member
- 1985 Editorial Consultant, Columbia University Press
- 1985 Editorial Consultant, Law and Social Inquiry
- 1980-present Reviewer, National Science Foundation
- 1997 Reviewer, National Institutes of Mental Health
- 1980-present Editorial Consultant, Law and Society Review
- 1979-1985 Editorial Consultant, Law and Human Behavior



1997-present Editorial Consultant, Legal and Criminological Psychology

1993-present Psychology, Public Policy, and Law, Editorial Consultant

### GOVERNMENTAL, LEGAL AND CRIMINAL JUSTICE CONSULTING

Training Consultant, Palo Alto Police Department, 1973-1974.

Evaluation Consultant, San Mateo County Sheriff's Department, 1974.

Design and Training Consultant to Napa County Board of Supervisors, County Sheriff's Department (county jail), 1974.

Training Consultation, California Department of Corrections, 1974.

Consultant to California Legislature Select Committee in Criminal Justice, 1974, 1980-1981 (effects of prison conditions, evaluation of proposed prison legislation).

Reviewer, National Science Foundation (Law and Social Science, Research Applied to National Needs Programs), 1978-present.

Consultant, Santa Clara County Board of Supervisors, 1980 (effects of jail overcrowding, evaluation of county criminal justice policy).

Consultant to Packard Foundation, 1981 (evaluation of inmate counseling and guard training programs at San Quentin and Soledad prisons).

Member, San Francisco Foundation Criminal Justice Task Force, 1980-1982 (corrections expert).

Consultant to NAACP Legal Defense Fund, 1982- present (expert witness, case evaluation, attorney training).

Faculty, National Judicial College, 1980-1983.

Consultant to Public Advocates, Inc., 1983-1986 (public interest litigation).

Consultant to California Child, Youth, Family Coalition, 1981-82 (evaluation of proposed juvenile justice legislation).

Consultant to California Senate Office of Research, 1982 (evaluation of causes

and consequences of overcrowding in California Youth Authority facilities).

Consultant, New Mexico State Public Defender, 1980-1983 (investigation of causes of February, 1980 prison riot).

Consultant, California State Supreme Court, 1983 (evaluation of county jail conditions).

Member, California State Bar Committee on Standards in Prisons and Jails, 1983.

Consultant, California Legislature Joint Committee on Prison Construction and Operations, 1985.

Consultant, United States Bureau of Prisons and United States Department of the Interior (Prison History, Conditions of Confinement Exhibition, Alcatraz Island), 1989-1991.

Consultant to United States Department of Justice, 1980-1990 (evaluation of institutional conditions).

Consultant to California Judicial Council (judicial training programs), 2000.

Consultant to American Bar Association/American Association for Advancement of Science Task Force on Forensic Standards for Scientific Evidence, 2000.

Invited Participant, White House Forum on the Uses of Science and Technology to Improve Crime and Prison Policy, 2000.

Member, Joint Legislative/California Department of Corrections Task Force on Violence, 2001.

Consultant, United States Department of Health & Human Services/Urban Institute, "Effects of Incarceration on Children, Families, and Low-Income Communities" Project, 2002.

Detention Consultant, United States Commission on International Religious Freedom (USCRIF). Evaluation of Immigration and Naturalization Service Detention Facilities, July, 2004-present.

Consultant, International Committee of the Red Cross, Geneva, Switzerland, Consultant on international conditions of confinement.

Member, Institutional Research External Review Panel, California Department of Corrections, November, 2004-2008.

Consultant, United States Department of Health & Human Services on programs

designed to enhance post-prison success and community reintegration, 2006.

Consultant/Witness, U.S. House of Representatives, Judiciary Committee, Evaluation of legislative and budgetary proposals concerning the detention of aliens, February-March, 2005.

Invited Expert Witness to National Commission on Safety and Abuse in America's Prisons (Nicholas Katzenbach, Chair); Newark, New Jersey, July 19-20, 2005.

Testimony to the United States Senate, Judiciary Subcommittee on the Constitution, Civil Rights, and Property Rights (Senators Brownback and Feingold, co-chairs), Hearing on "An Examination of the Death Penalty in the United States," February 7, 2006.

National Council of Crime and Delinquency "Sentencing and Correctional Policy Task Force," member providing written policy recommendations to the California legislature concerning overcrowding crisis in the California Department of Corrections and Rehabilitation.

Trainer/Instructor, Federal Bureau of Prisons and United States Department of Justice, "Correctional Excellence" Program, providing instruction concerning conditions of confinement and psychological stresses of living and working in correctional environments to mid-level management corrections professionals, May, 2004-2008.

Invited Expert Witness, California Commission on the Fair Administration of Justice, Public Hearing, Santa Clara University, March 28, 2008.

Invited Participant, Department of Homeland Security, Mental Health Effects of Detention and Isolation, 2010.

Consultant, "Reforming the Criminal Justice System in the United States" Joint Working Group with Senator James Webb and Congressional Staffs, 2011 Developing National Criminal Justice Commission Legislation.

Invited Participant, United Nations, Forum with United Nations Special Rapporteur on Torture Concerning the Overuse of Solitary Confinement, New York, October, 2011.

## PRISON AND JAIL CONDITIONS EVALUATIONS AND LITIGATION

**Hoptowit v. Ray** [United States District Court, Eastern District of Washington, 1980; 682 F.2d 1237 (9<sup>th</sup> Cir. 1982)]. Evaluation of psychological effects of conditions of confinement at Washington State Penitentiary at Walla Walla for United States Department of Justice.

**Wilson v. Brown** (Marin Country Superior Court; September, 1982, Justice Burke). Evaluation of effects of overcrowding on San Quentin mainline inmates.

**Thompson v. Enomoto** (United States District Court, Northern District of California, Judge Stanley Weigel, 1982 and continuing). Evaluation of conditions of confinement on Condemned Row, San Quentin Prison.

**Toussaint v. McCarthy** [United States District Court, Northern District of California, Judge Stanley Weigel, 553 F. Supp. 1365 (1983); 722 F. 2d 1490 (9<sup>th</sup> Cir. 1984) 711 F. Supp. 536 (1989)]. Evaluation of psychological effects of conditions of confinement in lockup units at DVI, Folsom, San Quentin, and Soledad.

**In re Priest** (Proceeding by special appointment of the California Supreme Court, Judge Spurgeon Avakian, 1983). Evaluation of conditions of confinement in Lake County Jail.

**Ruiz v. Estelle** [United States District Court, Southern District of Texas, Judge William Justice, 503 F. Supp. 1265 (1980)]. Evaluation of effects of overcrowding in the Texas prison system, 1983-1985.

**In re Atascadero State Hospital** (Civil Rights of Institutionalized Persons Act of 1980 action). Evaluation of conditions of confinement and nature of patient care at ASH for United States Department of Justice, 1983-1984.

**In re Rock** (Monterey County Superior Court 1984). Appointed to evaluate conditions of confinement in Soledad State Prison in Soledad, California.

In re Mackey (Sacramento County Superior Court, 1985). Appointed to evaluate conditions of confinement at Folsom State Prison mainline housing units.

Bruscino v. Carlson (United States District Court, Southern District of Illinois 1984-1985). Evaluation of conditions of confinement at the United States Penitentiary at Marion, Illinois [654 F. Supp. 609 (1987); 854 F.2d 162 (7<sup>th</sup> Cir. 1988)].

Dohner v. McCarthy [United States District Court, Central District of California, 1984-1985; 636 F. Supp. 408 (1985)]. Evaluation of conditions of confinement at California Men's Colony, San Luis Obispo.

Invited Testimony before Joint Legislative Committee on Prison Construction and Operations hearings on the causes and consequences of violence at Folsom Prison, June, 1985.

Stewart v. Gates [United States District Court, 1987]. Evaluation of conditions of confinement in psychiatric and medical units in Orange County Main Jail, Santa Ana, California.

Duran v. Anaya (United States District Court, 1987-1988). Evaluation of conditions of confinement in the Penitentiary of New Mexico, Santa Fe, New Mexico [Duran v. Anaya, No. 77-721 (D. N.M. July 17, 1980); Duran v. King, No. 77-721 (D. N.M. March 15, 1984)].

Gates v. Deukmejian (United States District Court, Eastern District of California, 1989). Evaluation of conditions of confinement at California Medical Facility, Vacaville, California.

Kozeak v. McCarthy (San Bernardino Superior Court, 1990). Evaluation of conditions of confinement at California Institution for Women, Frontera, California.

Coleman v. Gomez (United States District Court, Eastern District of California, 1992-3; Magistrate Moulds, Chief Judge Lawrence Karlton, 912 F. Supp. 1282 (1995). Evaluation of study of quality of mental health care in California prison system, special mental health needs at Pelican Bay State Prison.

Madrid v. Gomez (United States District Court, Northern District of California, 1993, District Judge Thelton Henderson, 889 F. Supp. 1146 (N.D. Cal. 1995). Evaluation of conditions of confinement and psychological consequences of isolation in Security Housing Unit at Pelican Bay State Prison, Crescent City, California.

Clark v. Wilson, (United States District Court, Northern District of California, 1998, District Judge Fern Smith, No. C-96-1486 FMS), evaluation of screening

procedures to identify and treatment of developmentally disabled prisoners in California Department of Corrections.

Turay v. Seling [United States District Court, Western District of Washington (1998)]. Evaluation of Conditions of Confinement-Related Issues in Special Commitment Center at McNeil Island Correctional Center.

In re: The Commitment of Durden, Jackson, Leach, & Wilson. [Circuit Court, Palm Beach County, Florida (1999).] Evaluation of Conditions of Confinement in Martin Treatment Facility.

Ruiz v. Johnson [United States District Court, Southern District of Texas, District Judge William Wayne Justice, 37 F. Supp. 2d 855 (SD Texas 1999)]. Evaluation of current conditions of confinement, especially in security housing or “high security” units.

Osterback v. Moore (United States District Court, Southern District of Florida (97-2806-CIV-MORENO) (2001) [see, Osterback v. Moore, 531 U.S. 1172 (2001)]. Evaluation of Close Management Units and Conditions in the Florida Department of Corrections.

Valdivia v. Davis (United States District Court, Eastern District of California, 2002). Evaluation of due process protections afforded mentally ill and developmentally disabled parolees in parole revocation process.

Ayers v. Perry (United States District Court, New Mexico, 2003). Evaluation of conditions of confinement and mental health services in New Mexico Department of Corrections “special controls facilities.”

Disability Law Center v. Massachusetts Department of Corrections (Federal District Court, Massachusetts, 2007). Evaluation of conditions of confinement and treatment of mentally ill prisoners in disciplinary lockup and segregation units.

Plata/Coleman v. Schwarzenegger (Ninth Circuit Court of Appeals, Three-Judge Panel, 2008). Evaluation of conditions of confinement, effects of overcrowding on provision of medical and mental health care in California Department of Corrections and Rehabilitation. [See Brown v. Plata, 131 S.Ct. 1910 (2011).]