

1 Timothy P. Fox (CA Bar 157750)  
tfox@creeclaw.org  
2 Elizabeth Jordan\*  
ejordan@creeclaw.org  
3 CIVIL RIGHTS EDUCATION AND  
ENFORCEMENT CENTER  
4 1245 E. Colfax Avenue, Suite 400  
Denver, CO 80218  
5 Tel: (303) 757-7901  
Fax: (303) 872-9072

6 Lisa Graybill\*  
7 lisa.graybill@splcenter.org  
Jared Davidson\*  
8 jared.davidson@splcenter.org  
9 SOUTHERN POVERTY LAW  
CENTER  
10 201 St. Charles Avenue, Suite 2000  
New Orleans, Louisiana 70170  
11 Tel: (504) 486-8982  
Fax: (504) 486-8947

Stuart Seaborn (CA Bar 198590)  
sseaborn@dralegal.org  
Melissa Riess (CA Bar 295959)  
mriess@dralegal.org  
DISABILITY RIGHTS ADVOCATES  
2001 Center Street, 4th Floor  
Berkeley, California 94704  
Tel: (510) 665-8644  
Fax: (510) 665-8511

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13  
14 Attorneys for Plaintiffs (continued on next page)

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17 **EASTERN DIVISION – RIVERSIDE**

18 FAOUR ABDALLAH FRAIHAT, *et al.*,  
19 Plaintiffs,

20 v.

21 U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT, *et al.*,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No.: 19-cv-01546-JGB(SHKx)

**DECLARATION OF CRAIG  
HANEY**

1 William F. Alderman (CA Bar 47381)  
*walderman@orrick.com*  
2 Jake Routhier (CA Bar 324452)  
*jrouthier@orrick.com*  
3 ORRICK, HERRINGTON &  
SUTCLIFFE LLP  
4 405 Howard Street  
San Francisco, CA 94105  
5 Tel: (415) 773-5700  
Fax: (415) 773-5759

6 Michael W. Johnson\*\*  
*mjohnson1@willkie.com*  
7 Dania Bardavid\*\*  
*dbardavid@willkie.com*  
8 Jessica Blanton\*\*  
*jblanton@willkie.com*  
9 Joseph Bretschneider\*\*  
*jbretschneider@willkie.com*  
10 WILLKIE FARR &  
GALLAGHER LLP  
11 787 Seventh Avenue  
New York, NY 10019  
12 Tel: (212) 728-8000  
13 Fax: (212) 728-8111

14 Maia Fleischman\*  
*maia.fleischman@splcenter.org*  
15 SOUTHERN POVERTY LAW  
CENTER  
16 2 South Biscayne Boulevard  
Suite 3750  
17 Miami, FL 33131  
18 Tel: (786) 347-2056  
19 Fax: (786) 237-2949

20 Christina Brandt-Young\*  
*cbrandt-young@dralegal.org*  
21 DISABILITY RIGHTS  
ADVOCATES  
22 655 Third Avenue, 14th Floor  
23 New York, NY 10017  
24 Tel: (212) 644-8644  
Fax: (212) 644-8636

Mark Mermelstein (CA Bar 208005)  
*mmermelstein@orrick.com*  
ORRICK, HERRINGTON &  
SUTCLIFFE LLP  
777 South Figueroa Street  
Suite 3200  
Los Angeles, CA 90017  
Tel: (213) 629-2020  
Fax: (213) 612-2499

Leigh Coutoumanos\*\*  
*lcoutoumanos@willkie.com*  
WILLKIE FARR &  
GALLAGHER LLP  
1875 K Street NW, Suite 100  
Washington, DC 20006  
Tel: (202) 303-1000  
Fax: (202) 303-2000

Shalini Goel Agarwal  
(CA Bar 254540)  
*shalini.agarwal@splcenter.org*  
SOUTHERN POVERTY LAW  
CENTER  
106 East College Avenue  
Suite 1010  
Tallahassee, FL 32301  
Tel: (850) 521-3024  
Fax: (850) 521-3001

Maria del Pilar Gonzalez Morales  
(CA Bar 308550)  
*pgonzalez@creeclaw.org*  
CIVIL RIGHTS EDUCATION  
AND ENFORCEMENT CENTER  
1825 N. Vermont Avenue, #27916  
Los Angeles, CA 90027  
Tel: (805) 813-8896  
Fax: (303) 872-9072

25 Attorneys for Plaintiffs (continued from previous page)

26 \*Admitted Pro Hac Vice

27 \*\*Pro Hac Vice Application Forthcoming

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**DECLARATION OF DR. CRAIG W. HANEY, PH.D.**

I, Craig W. Haney, declare as follows:

1. I am a Distinguished Professor of Psychology and a former UC Presidential Chair at the University of California, Santa Cruz, located in Santa Cruz, California, where I engage in research applying social psychological principles to legal settings including the assessment of the psychological effects of living and working in institutional environments, especially the psychological effects of incarceration. I have a Ph.D. in psychology and a J.D. degree, both awarded by Stanford University. I was a co-founder and co-director of the UC Criminal Justice & Health Consortium – a collaborative effort of researchers, experts and advocates from across the University of California system working to bring evidence-based health and healthcare solutions to criminal justice reform in California and nationwide.

2. I also have served as a consultant to numerous governmental, law enforcement, and legal agencies and organizations on jail- and prison-related issues. Those agencies and organizations include the Palo Alto Police Department, various California Legislative Select Committees, the National Science Foundation, the American Association for the Advancement of Science, the United States Department of Justice, the Department of Health and Human Services (HHS), the Department of Homeland Security, and the White House (under both the Clinton and Obama Administrations). In 2012, I testified as an expert witness before the Judiciary Committee of the United States Senate in a hearing that focused on the use and effects of solitary confinement and was appointed as a member of a National Academy of Sciences committee analyzing the causes and consequences of high rates of incarceration in the United States. My research, writing, and testimony have been cited by state courts, including the California Supreme Court, and by Federal District Courts, Circuit Courts of Appeal, and the

1 United States Supreme Court.<sup>1</sup> A copy of my curriculum vitae is attached to this  
2 Declaration as Exhibit A.

3 3. I have been asked by plaintiffs' counsel in *Fraihat v. ICE*, who represent  
4 medically vulnerable people and people with disabilities throughout ICE's  
5 detention system to opine about the likely psychological impact of practices,  
6 procedures, and conditions that have been implemented by ICE and its contractors  
7 to respond to the COVID-19 Pandemic and to recommend appropriate responses to  
8 the crisis.

9 4. I have been provided with an extensive number of documents to review and  
10 on which I have relied in the preparation of this Declaration. A list of documents I  
11 have reviewed is attached to this Declaration as Exhibit B.

12 5. It is my expert opinion that:

13 A. Consistent with the Court's Preliminary Injunction Order in this case, the  
14 evidence increasingly demonstrates that psychiatric disability is a risk factor  
15 for serious complications or death from COVID-19;

16 B. The practice in ICE detention centers of locking people in conditions that  
17 are the equivalent to punitive solitary confinement cells, defined and  
18 discussed below, as a form of "quarantine" or "medical isolation," or as an  
19 attempt to reduce the spread of the pandemic, is inappropriate because it  
20 places them at heightened risk of severe psychological harm;

21 C. ICE detainees with pre-existing mental illness or emotional impairment<sup>2</sup>  
22 are especially at risk in the course of the COVID-19 pandemic, in part  
23

24  
25 <sup>1</sup> For example, see *Brown v. Plata*, 563 U.S. 493 (2011).

26 <sup>2</sup> In this Declaration, I use the broader definition of "mental illness" taken from the  
27 Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act. Under  
28 this act, an "individual with a mental illness" is an individual "who has a  
significant mental illness or emotional impairment, as determined by a mental

1 because they are less able to reliably identify and report symptoms and to  
2 engage in necessary forms of self-protection and self-care, and for these  
3 reasons require especially careful and conscientious medical monitoring;

4 D. ICE detainees with pre-existing mental illness or emotional impairment  
5 are especially likely to suffer an exacerbation of their psychiatric disability if  
6 they are placed in conditions that are the equivalent of solitary confinement  
7 (where they are known to be at heightened risk) which, in turn, makes them  
8 even more medically and psychologically vulnerable;

9 E. The fact that the disability of having a pre-existing mental illness or  
10 emotional impairment is not necessarily a static condition but rather may  
11 emerge more clearly over time or be exacerbated by especially stressful  
12 conditions (such as those associated with a threatening pandemic)  
13 underscores the need for periodic reassessments to determine potentially  
14 changed conditions;

15 F. Placing ICE detainees (including those who are mentally ill or  
16 emotionally impaired) in conditions that are the equivalent of solitary  
17 confinement in lieu of appropriate forms of medical isolation is likely to  
18 deter them from reporting their symptoms (to avoid such onerous  
19 conditions) and unintentionally contribute to the spread of the virus.

20 G. The practice in ICE detention centers of locking people into their cells in  
21 dorm housing as a form of “quarantine” or “medical isolation,” or as an  
22

23  
24 health professional qualified under the laws and regulations of the State....” 42  
25 U.S.C. § 10802(4)(A). “Significant mental illness” and “emotional impairment”  
26 are not further defined in the PAIMI Act or its implementing regulations.  
27 However, courts have generally favored a broad definition of these terms. *See*  
28 *Connecticut Office of Prot. & Advocacy for Persons with Disabilities v. Hartford*  
*Bd. of Educ.*, 355 F. Supp.2d 649, 655 (D. Conn. 2005), *aff’d*, 464 F.3d 229 (2d  
Cir. 2006).

1 attempt to prevent the spread of the pandemic, is inappropriate and  
2 potentially harmful because it consists of punitive forms of social and  
3 material deprivation that are not consistent with proper medical quarantine  
4 and isolation practices, where patients are administered to by medical rather  
5 than security staff and are given access to enhanced activities and outlets  
6 (e.g., television, commissary, free phone calls).

7 Background Information

8  
9 6. COVID-19 is a novel virus. There is no vaccine for COVID-19, and there is  
10 no cure for COVID-19. No one has immunity. Currently, the most effective ways  
11 to control the virus are to use preventive strategies, including social distancing, in  
12 order to maximize our healthcare capacity for a manageable number of patients.  
13 Otherwise, healthcare resources will be overwhelmed, and the Pandemic will  
14 worsen.

15 7. Persons with mental health-related issues—those who are diagnosed as  
16 mentally ill or those with sub-clinical symptoms such as depression or anxiety—  
17 are especially vulnerable in the Pandemic. Because there is as yet no vaccine, cure,  
18 or immunity, controlling the virus through preventive strategies depends heavily of  
19 various forms of self-care, including maintaining social distancing, taking personal  
20 sanitary precautions, and the like. These strategies are especially difficult for  
21 psychiatrically vulnerable persons to initiate and consistently maintain. Some  
22 detainees with mental health problems may resist wearing masks because they do  
23 not fully understand the reasons for doing so. Others may be frightened by being  
24 surrounded by mask-wearing staff and detainees. They need special attention and  
25 treatment in order to address these anxieties and allay their fears. Finally, mentally  
26 ill and psychiatrically vulnerable detainees are more likely to be adversely affected  
27 by the anxieties and uncertainties that are associated with the risk of being infected  
28 by a potentially deadly virus.

1 8. From a psychological perspective, ICE’s April 28, 2020 list of mental health  
2 diagnoses meant to trigger a reassessment and review is inadequate. That list  
3 currently includes “Psychotic Disorder; Bipolar Disorder; Schizophrenia or  
4 Schizoaffective Disorder; Major Depressive Disorder with Psychotic Features;  
5 Dementia and/or a Neurocognitive Disorder; Intellectual Development Disorder  
6 (moderate, severe or profound).” Mental health conditions and subclinical  
7 diagnoses (including emotional impairments that are considerably less severe than  
8 ICE’s listed diagnoses) can also lead to being psychologically vulnerable to  
9 COVID-19.

10 9. Social distancing presents serious practical and physical challenges for  
11 everyone in every part of our society, but nowhere more than in congregate  
12 detention centers, such as ICE detention. Like penal institutions in general, the  
13 living conditions in these facilities are unusually sparse and detainees necessarily  
14 live in unescapably close quarters with one another.

15 10. Moreover, ICE detention centers, like jails and prisons, are already  
16 extremely stressful environments for the persons confined in them.<sup>3</sup> They can be  
17 psychologically and medically harmful in their own right, rendering persons who  
18 are exposed to them unusually vulnerable to stress-related and communicable  
19

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20  
21 <sup>3</sup> Much of this evidence is summarized in several book-length treatments of the  
22 topic. For example, see: Haney, C., *Reforming punishment: Psychological limits to*  
23 *the pains of imprisonment*. Washington, DC: American Psychological Association  
24 (2006); Liebling, A., & Maruna, S. (Eds.), *The effects of imprisonment*.  
25 Cullompton, UK: Willan (2005); and National Research Council (2014). *The*  
26 *Growth of Incarceration in the United States: Exploring the Causes and*  
27 *Consequences*. Washington, DC: The National Academies Press. In addition, there  
28 are numerous empirical studies and published reviews of the available literature.  
For example, see: Haney, C., Prison effects in the age of mass incarceration.  
*Prison Journal*, 92, 1-24 (2012); Johns, D., Confronting the disabling effects of  
imprisonment: Toward prehabilitation. *Social Justice*, 45(1), 27-55.

1 diseases.<sup>4</sup> Incarceration leads to higher rates of morbidity (illness rates) and  
2 mortality (i.e., it lowers the age at which people die).<sup>5</sup> The stresses of COVID-19  
3 substantially exacerbate these already high-stress environments, and ICE must do  
4 what it can to abate these psychological stressors given the possibility that they  
5 will cause or worsen people's mental illness.

6 11. Most ICE detention facilities already operated at or beyond the limits of  
7 their capacities to provide effective mental health care long before the COVID-19  
8 Pandemic began. For example, a 2019 report by Disability Rights California about  
9 Adelanto Detention Center in California noted the harsh conditions of solitary  
10 confinement at that facility, their widespread use of solitary confinement in lieu of  
11 proper mental health treatment, and the disproportionate harm such practices  
12 visited on people with mental health disabilities.<sup>6</sup> A 2011 report by the Department

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14 <sup>4</sup> As one index of the lasting effects of the stressfulness of this kind of  
15 confinement, we know that formerly incarcerated persons suffer higher rates of  
16 certain kinds of psychiatric and medical problems. *E.g., see*: Schnittaker, J. (2014).  
17 The psychological dimensions and the social consequences of incarceration.  
18 *Annals of the American Association of Political and Social Science*, 651, 122-138;  
19 Turney, K., Wildeman, C., & Schnittker, J., As fathers and felons: Explaining the  
20 effects of current and recent incarceration on major depression. *Journal of Health  
21 and Social Behaviour*, 53(4), 465-481 (2012). *See, also*: Listwan, S., Colvin, M.,  
22 Hanley, D., & Flannery, D., Victimization, social support, and psychological well-  
23 being: A study of recently released prisoners. *Criminal Justice and Behavior*,  
24 37(10), 1140-1159 (2010).

25 <sup>5</sup> *E.g., see*: Binswanger, I., Stern, M., Deyo, R., et al., Release from prison: A high  
26 risk of death for former inmates. *New England Journal of Medicine*, 356, 157-165;  
27 Massoglia, M. Incarceration as Exposure: The Prison, Infectious Disease, and  
28 Other Stress-Related Illnesses. *Journal of Health and Social Behavior*, 49(1), 56-  
71; and Massoglia, M., & Remster, B., Linkages Between Incarceration and  
Health. *Public Health Reports*, 134(Supplement 1), 85-145 (2019); and Patterson,  
E. (2013). The dose-response of time served in prison on mortality: New York  
state, 1989-2003. *American Journal of Public Health*, 103(3), 523-528.

<sup>6</sup> Disability Rights Cal., *There Is No Safety Here*, at 17 (Mar. 2019),  
<https://www.disabilityrightsca.org/system/files/file->

1 of Homeland Security Office of Inspector General on Mental Health Management  
2 in ICE detention noted that mental health positions were frequently understaffed  
3 and that detained people with mental health disabilities who were placed in solitary  
4 confinement settings reported increased levels of mental health difficulties.<sup>7</sup>  
5 Finally, in 2016, OIG issued another Mental Health Staffing Report, concluding  
6 that ICE continued to fail to attract and retain adequate qualified mental health care  
7 providers, at least in part due to the rural and remote areas where ICE elected to  
8 detain individuals.<sup>8</sup> It is unlikely that they will be able to rapidly increase their  
9 capacity in light of the challenges now faced by mental health and medical  
10 professionals in society at large. Thus, the ability of ICE facilities to gain access to  
11 higher or more acute levels of psychiatric care in surrounding community  
12 hospitals, if and when it is needed, may be extremely limited, especially when  
13 existing community resources are already overtaxed by the current Pandemic.

14 12. Because the demand for such services in this crisis will only grow, already  
15 scarce treatment resources will be stretched even more. In ICE detention facilities  
16 that do not act immediately to reduce their numbers of detainees and instead  
17 become places where COVID-19 spreads rapidly throughout, mental health care as  
18 well as medical resources may become overburdened in the surrounding  
19 communities as well as the facilities themselves.

20  
21 [attachments/DRC\\_REPORT\\_ADELANTO-  
22 IMMIG\\_DETENTION\\_MARCH2019.pdf](#).

23 <sup>7</sup> Office of Inspector Gen., Dep't of Homeland Sec., *OIG-11-62: Management of  
24 Mental Health Cases in Immigration Detention*, at 15 (Mar. 2011),

<https://www.oig.dhs.gov/assets/VR/FY16/OIG-16-113-VR-Jul16.pdf>

25 <sup>8</sup> Office of Inspector Gen., Office of Homeland Sec., *OIG-16-113-VR: ICE Still  
26 Struggles to Hire and Retain Staff for Mental Health Cases in Immigration  
27 Detention*, at 2 (July 2016), [https://www.oig.dhs.gov/assets/VR/FY16/OIG-16-  
28 113-VRJul16.pdf](https://www.oig.dhs.gov/assets/VR/FY16/OIG-16-113-VRJul16.pdf).

1 Use of Solitary Confinement in ICE Detention as a Response to the Pandemic

2  
3 13. Quarantines, as the general public well knows by now, are sometimes  
4 required to prevent the spread of COVID-19, which is consistent with CDC  
5 recommendations. In addition, the CDC recommends the use of medical isolation  
6 for people who are positive for COVID-18, including in congregate settings such  
7 as ICE detention centers. For example, the CDC recommends:<sup>9</sup>

8 A. Some facilities may choose to quarantine all new intakes for 14 days  
9 before moving them to the facility's general population as a general rule (not  
10 because they were exposed to a COVID-19 case). Under this scenario, avoid  
11 mixing individuals quarantined due to exposure to a COVID-19 case with  
12 individuals undergoing routine intake quarantine. (p. 19)

13 B. If at all possible, do not add more individuals to an existing quarantine  
14 cohort after the 14-day quarantine clock has started. (p. 19)

15 C. If the number of quarantined individuals exceeds the number of  
16 individual quarantine spaces available in the facility, be especially mindful  
17 of those who are at higher risk of severe illness from COVID-19. Ideally,  
18 they should not be cohorted with other quarantined individuals. If cohorting  
19 is unavoidable, make all possible accommodations to reduce exposure risk  
20 for the higher-risk individuals. (For example, intensify social distancing  
21 strategies for higher-risk individuals.) (p. 20)

22 D. The CDC does recommend that people who are in quarantine or  
23 medical isolation live in a single cell. (pp. 16; 20)

24  
25 <sup>9</sup> *Interim Guidance on Mgmt. of Coronavirus Disease 2019 (COVID-19) in*  
26 *Corr. and Det. Facilities*, CDC (Mar. 23,  
27 2020) [https://www.cdc.gov/coronavirus/2019-ncov/community/correction-](https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html)  
28 [detention/guidance-correctional-detention.html](https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html)

1  
2 E. Crucially, however, the recommendation to quarantine or medically  
3 isolation and individual is not the same as placing that person in conditions  
4 equivalent to solitary confinement. The goals of quarantining or medically  
5 isolating an individual can be met without placing them in dangerous  
6 conditions equivalent to solitary confinement.

7  
8 14. Unfortunately, in contravention to the recommendations above, it is my  
9 understanding from the documents that I have reviewed that the ICE detention  
10 facilities have implemented a form of general housing unit “lockdowns” in an  
11 attempt to control infection and also solitary-type confinement for some detainees  
12 in response to the COVID-19 Pandemic in lieu of appropriate quarantining or  
13 medical isolation.

14 15. Further, I have reviewed both the ICE Pandemic Response Requirement  
15 (“PRR”) document dated Apr. 10, 2020, and the updated PRR dated June 22, 2020.  
16 Both versions include some of the above CDC guidelines. Since the practices I  
17 describe violate the CDC guidelines, they also appear to violate ICE’s own PRRs.  
18 As a result, detained people are exposed to ongoing risk of harm as described more  
19 fully below.

20 16. Many ICE detainees are now confined to their cells for approximately 23  
21 hours a day. Some general population living units and dorms house detainees in  
22 small spaces. Some of the solitary confinement-like cells (where detainees now  
23 sleep, eat, and defecate) are very small. Detainees living under these lockdown-  
24 type conditions are typically given very limited out-of-cell time, often only an hour  
25 or two, during which they can recreate (in small groups), make any social and legal  
26 phone calls, and shower before being returned to their small cells.

1 17. During this limited out-of-cell time, detainees crowd together to use the  
2 limited shared resources. They crowd together in the small area of outdoor space  
3 that affords them sunlight, and also when they have access to phones (since this is  
4 the only way for them to have immediate contact with the outside world). As a  
5 result, they are unable to maintain the recommended six feet of social distancing.  
6 Moreover, they are not being provided with adequate face masks, so they are  
7 unprotected when they come in such close contact with one another.

8 18. In addition, ICE detention facilities are ill-equipped to provide detainees  
9 with ready access to cleaning and sanitation supplies, or to assure that staff sanitize  
10 all surfaces during the day. Yet detainees are surrounded by and enveloped in hard  
11 metal surfaces, precisely the kind on which the COVID-19 virus lives longest. In  
12 addition, detainees are denied access to liquid soap and effective alcohol-based  
13 disinfectants and hand sanitizers, which are recommended as effective for use  
14 against COVID-19 in free society. This appears to be an even more acute problem  
15 in solitary confinement housing than in general population spaces.

16 Examples of Detained People's Experiences

17 19. I reviewed the declarations of detained class members listed in Exhibit B. I  
18 also reviewed public reports regarding the death by suicide of a class member and  
19 a letter written by the Southern Poverty Law Center on behalf of a class member. I  
20 describe the experiences of these detained people below.

21 20. Many of the issues I describe above are illustrated in the Declaration of  
22 detainee Ruben Dario Mencias Soto, a 37-year-old man confined in the Adelanto  
23 Detention Center. Mr. Soto was taken for emergency treatment for heart-related  
24 symptoms that were ignored by ICE staff. When his condition worsened, he was  
25 taken to the emergency room of a nearby hospital. After receiving treatment at the  
26 hospital for several days, he was returned to Adelanto but was taken to a dorm that  
27 is ordinarily used for punishment, referred to as "the Hole" by detainees. He  
28

1 reported that he is locked in a cell by himself for approximately 23 hours a day,  
2 with only a single hour daily to shower, use the dayroom, or go to yard. When he  
3 does go to dayroom, he is in the presence of a dozen or more detainees, none of  
4 whom are required to wear masks. The detainees appear to have arrived at the unit  
5 from a variety of places and are mixed together. The conditions in the unit and in  
6 his cell are unsanitary. He said he “begged for three days” when he returned from  
7 the hospital, attempting to get materials with which to clean his cell, noting “I tried  
8 to clean [it] using my own shirt since I had nothing else.” According to Mr. Soto,  
9 the medical monitoring consists of nothing more than morning cell-front visit from  
10 a nurse who takes the detainees’ temperatures but does not ask them about other  
11 symptoms. It does not appear he had any checks by mental health staff. Monitoring  
12 by security staff is superficial and pro forma: “The have a little electronic tube that  
13 they hit on the door but I have observed that they do not look inside the cell to  
14 make sure we are okay. I am very worried that I am going to have more heart  
15 issues and will die without them noticing.” Mr. Soto has never had a COVID-19  
16 test, including when he returned from the hospital, and reported that he has not  
17 seen anyone else in his unit receive one either.

18 21. The three declarations from Alex Hernandez provide another harrowing  
19 example of ICE’s lockdown strategy during the Pandemic. Mr. Hernandez is 49  
20 years old. He is currently detained in ICE custody at the Etowah County Detention  
21 Center in Gadsden, Alabama and has been there since October 2016. He has  
22 hypertension, Barrett’s esophagus (puts him at higher risk of cancer), is in recovery  
23 from shoulder surgery in November 2019, and has not had an endoscopy or biopsy  
24 since being in ICE custody. He has not received physical therapy or a specialist  
25 evaluation since COVID-19 began. On March 20, 2020 when detainees in Mr.  
26 Hernandez’s cell tied nooses around their necks and threatened suicide to stop staff  
27 from bringing in transfers to their cell (sick transfers especially), Mr. Hernandez’s  
28 housing unit was put in lockdown. His unit was not allowed to participate in

1 programs and was only allowed two half-hour increments daily to shower and  
2 make phone calls. No one from medical evaluated their unit, not even to take body  
3 temperatures.

4 22. Mr. Hernandez shared his cell with another individual until the end of May,  
5 and they were locked in the cell together for 21 hours a day, 7 days a week for over  
6 a month. He states it was extremely stressful being isolated with another person in  
7 such confined quarters. They only had old National Geographic magazines and the  
8 Bible to read. Now, Mr. Hernandez is in a cell by himself for approximately 19.5  
9 hours a day. All he can do is read magazines, listen to the radio, and sleep. His  
10 dorm is let out of lockdown 4.5 hours a day (40 people at a time – 2 floors, 40  
11 people each floor). He has ten minutes to eat each meal (30 minutes total a day),  
12 and then four 1-hour periods spread through the day (morning, afternoon, evening)  
13 to shower, visit the law library, watch tv, use the phone, and go to recreation. He is  
14 stressed, anxious, and worried every day. He has never received a COVID-19 test  
15 and has never had his temperature taken by a nurse.

16 23. I reviewed a letter from the Southern Poverty Law Center on behalf of a  
17 client detained at Pine Prairie who was placed in the disciplinary solitary  
18 confinement area of Pine Prairie upon return from the hospital. This appears to be  
19 Pine Prairie's attempt to medically isolate this client after possible COVID-19  
20 exposure in the hospital, although it is in reality punitive segregation under harsh  
21 conditions. The client has reported to SPLC that he is feeling heightened stress,  
22 medical complications, and higher levels of suicidality.

23 24. I also reviewed a declaration from class member Oscar Perez Aguirre, who  
24 tested positive for COVID-19 while in ICE custody at the Aurora Detention  
25 Center. Mr. Perez Aguirre describes stark conditions both in the medical isolation  
26 unit he initially was housed in for quarantine upon intake and in the unit normally  
27 used for disciplinary segregation where he was placed upon return from the  
28

1 hospital, while he was still symptomatic. He had nothing to do in either cell and no  
2 support from mental health staff, and reported increasing psychiatric distress  
3 during his stay.

4 25. According to news reports I reviewed, a detained person at Mesa Verde with  
5 a history of mental illness and suicide attempts died by suicide after being placed  
6 in medical isolation upon returning from the hospital.

7 Contravention of the CDC Guidelines  
8

9 26. The anecdotes above indicate that ICE's lockdown practices are inconsistent  
10 with the CDC Guidelines issued March 23, 2020, referenced above.

11 27. First and most fundamentally, the CDC at no point indicates that people  
12 should be placed in the extreme isolation and stark conditions described by Mr.  
13 Mencias Soto and Mr. Perez Aguirre. While the CDC does make the  
14 recommendation that every person in quarantine should be in a single cell, it does  
15 not recommend that they be in 23-hour lockdown, as Mr. Mencias Soto was. Nor  
16 do they recommend that every person in quarantine should be placed in  
17 disciplinary segregation cells, or deprived of reading materials, television, or cards,  
18 without mental health support—all conditions to which both Mr. Mencias Soto and  
19 Mr. Perez Aguirre were subjected to.

20 28. Second, Mr. Mencias Soto appears to have been placed in disciplinary  
21 segregation in order to quarantine following his possible COVID-19 exposure in  
22 the hospital. He reports that other people in the unit were new arrivals at the  
23 facility, and others were moved in from other parts of the facility. This is  
24 inconsistent with the CDC recommendation not to mix people quarantined for  
25 different reasons. Further, the constant flow of detainees in and out of the  
26 disciplinary unit that Mr. Mencias Soto described is inconsistent with the CDC  
27 recommendation not to introduce new people into an existing quarantine.  
28

1 29. Third, the double-celled dormitory extended lockdown that Mr. Hernandez  
2 describes is completely at odds with CDC guidelines on infection control, which  
3 frankly do not contemplate anything so psychologically stressful and potentially  
4 counter-productive. Moreover, Mr. Hernandez gives no indication that any steps  
5 were taken within this practice to reduce the exposure to high risk individuals like  
6 himself, which the CDC recommends.

7 Further Opinion on Risk of Harm from ICE’s Lockdown Practices in the Pandemic

8 30. Of course, in units like the one in which Mr. Mencias Soto is living as well  
9 as other ICE detention facilities, there are only very limited ways of protecting  
10 detainees from contact with staff who regularly enter the facility after having been  
11 in the outside world. Staff members are at risk of having contracted COVID-19  
12 and then transmitting it to all those inside the institutions, including to detainees  
13 and other staff members.

14 31. These procedures are inappropriate, ill-conceived, and counter-productive  
15 for several reasons. In fact, they could very likely exacerbate rather than limit or  
16 alleviate the spread of COVID-19.<sup>10</sup> For one, as Mr. Hernandez’s declarations  
17 described above attest to, general population housing units essentially have been  
18 turned into onerous lockdown units, which greatly increase the psychological stress  
19 under which detainees live, potentially leading to increased mental and physical  
20

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21 <sup>10</sup> It is important to note that “shelter in place” or “stay at home” orders are not  
22 remotely the same thing as “lockdown” or “solitary confinement” as the latter are  
23 practiced in ICE detention facilities. Detainees are locked in cells the size of a very  
24 small bathroom or a parking space, where they are confined essentially around-the-  
25 clock, without access to cell phones or other electronic devices (that persons  
26 sheltering in place are using to remain social connected and engaged), even more  
27 limited access to cleaning and disinfectant materials, reduced medical and  
28 psychological services on which they are completely dependent, and drastic  
reductions in personal property. Few if any persons in free society are subjected to  
restrictions remotely this onerous.

1 deterioration, interpersonal conflicts, and self-harm and suicidality. The fact that  
2 detainees may be double-celled during these lockdowns, as Mr. Hernandez was for  
3 months, does not mitigate the negative effects of their essentially around-the-clock  
4 in-cell confinement. In fact, double-celling may exacerbate these effects because of  
5 the interpersonal tensions and stressors that such unavoidably close around-the-  
6 clock contact generates.

7 32. ICE quarantines and medical isolation are now being operationalized in  
8 ways that are essentially identical to the solitary confinement-type housing that has  
9 been shown to place detained persons at significant risk of grave harm (including  
10 harm that may be permanent, even fatal). Thus, there is a large literature on the  
11 adverse psychological and physical effects of the kind of isolation to which ICE  
12 detainees are now being subjected. This literature establishes a range of damaging  
13 consequences that come about when persons are subjected to the kinds of  
14 conditions that now prevail inside many ICE facilities.

15 33. Specifically, lockdowns and solitary confinement subject persons to a  
16 separate set of very serious harmful effects, ones that significantly undermine their  
17 mental and physical well-being and risk doing far more harm than good. The  
18 scientific literature on the harmfulness of solitary confinement is now widely  
19 accepted and the research findings are consistent and alarming.<sup>11</sup> This research has  
20

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21 <sup>11</sup> These many studies have been carefully reviewed in a number of publications.  
22 For example, see: K. Cloyes, D. Lovell, D. Allen & L. Rhodes, Assessment of  
23 psychosocial impairment in a super-maximum security unit sample, *Criminal*  
24 *Justice and Behavior*, 33, 760-781 (2006); S. Grassian, Psychiatric effects of  
25 solitary confinement. *Washington University Journal of Law & Policy*, 22, 325-  
26 383 (2006); C. Haney, Restricting the use of solitary confinement. *Annual Review*  
27 *of Criminology*, 1, 285-310 (2018); C. Haney & M. Lynch, Regulating prisons of  
28 the future: The psychological consequences of solitary and supermax confinement.  
*New York Review of Law & Social Change*, 23, 477-570 (1997); and P. Smith, The  
effects of solitary confinement on prison inmates: A brief history and review of the

1 led a number of professional mental and physical health-related, legal, human  
2 rights, and even correctional organizations to call for severe limitations on the  
3 degree to which solitary confinement is employed—specifically limiting when, for  
4 how long, and on whom it can be imposed.<sup>12</sup>

5 34. Although the adverse effects of isolated confinement are prevalent among  
6 populations of persons subjected to them, and serious enough to jeopardize the  
7 physical and psychological well-being of everyone exposed to them, the risk of  
8 harm is especially great for persons with pre-existing mental health conditions,  
9 including persons with diagnosed psychiatric disorders and others with  
10 psychological vulnerabilities that may worsen during confinement. This group of  
11 people are particularly likely to decompensate, suffer worsening depression, and  
12 much more frequently engage in self-harming and suicidal behavior in response to  
13 social isolation. There are several reasons for this, including the fact that solitary  
14 confinement is an especially psychologically stressful experience (one that even  
15 mentally stable persons struggle to tolerate), and mentally ill and psychiatrically  
16 vulnerable persons react especially adversely to increased stress. In addition, many  
17 of the specific psychological reactions that are produced by solitary confinement—  
18 depression, anxiety, and cognitive disturbances—parallel the symptoms of the very  
19 conditions from which many psychiatrically vulnerable detainees suffer, adding to  
20 the level or degree of their psychological disability.

21 35. For these reasons, psychologically vulnerable detainees should be excluded  
22 from all forms of severe social isolation (i.e., lockdowns and solitary confinement).

23 literature, in Michael Tonry (Ed.), *Crime and Justice* (pp. 441-528). Volume 34.  
24 Chicago: University of Chicago Press (2006).

25 <sup>12</sup> For a list of these organizations and their specific recommendations, see: Haney,  
26 C. (2018) Restricting the use of solitary confinement. *Annual Review of*  
27 *Criminology*, 1, 285-310; Haney, C., Ahalt, C., & Williams, B., et al. (2020).  
28 Consensus statement of the Santa Cruz summit on solitary confinement.  
*Northwestern Law Review*, in press.

1 If they cannot be, then at the very minimum, they must be given access to  
2 enhanced psychological services as well as enhanced screening for potentially  
3 emerging mental health diagnoses and disabilities. As I noted earlier, clinical and  
4 subclinical mental health disabilities are subject to change. These conditions,  
5 especially, are likely to be exacerbated by heightened levels of stress. The  
6 determination of whether a particular mental health condition warrants special  
7 disability-related protections cannot be made mechanically or merely by reference  
8 to a list of potentially qualifying diagnoses, but rather should be subject to period  
9 assessment. This means that detainees' mental health status must be periodically  
10 reassessed and the need for disability-related accommodations determined on a  
11 continuous basis.

12 36. Yet, based on my many years of studying correctional systems and practices  
13 across the country, I know that increased periodic assessment and ameliorative  
14 measures such as increased treatment and out of cell time will be among the first  
15 things that are suspended as the system diverts staff to address emergencies (such  
16 as the Pandemic). It is certainly the case that, based on the documents I reviewed,  
17 mental health support for people currently experiencing solitary confinement or  
18 lockdown is insufficient. This means that mentally ill detainees are at grave risk of  
19 decompensation.

20 37. In addition, the kind of onerous lockdowns that many ICE facilities have  
21 imposed may lead to the COVID-19 virus going undetected. Lockdowns decrease  
22 the interactions that detainees have with facility staff, including healthcare  
23 providers, compromising the latter's ability to identify symptoms. Moreover, the  
24 even more onerous conditions that ICE imposes on detainees who are placed  
25 medical isolation likely serve as a disincentive for them to report their own  
26 symptoms. Detainees understandably do not want to be placed in insect-infested,  
27  
28

1 dirty solitary confinement-like cells where they will spend two weeks without  
2 access to telephones or showers.

3  
4 38. Finally, it is possible that the extraordinary added stress of social isolation  
5 under these especially onerous conditions—in general population “lockdown,” in  
6 medical isolation cells, and in quarantine—are so extreme that they will operate to  
7 depress detainees’ immune systems and render them even more vulnerable to  
8 COVID-19 virus, and less able to combat it if and when they contract it.<sup>13</sup>

9  
10 39. In light of these facts and this panoply of very serious, well-established  
11 risks, it is my professional opinion that ICE must urgently take steps to implement  
12 existing CDC guidelines without resort to preemptive lockdown procedures or  
13 imposing severe solitary-confinement conditions for purposes of medical isolation  
14 of positive patients.

15  
16 40. In addition, even if the CDC guidelines are implemented, ICE should take  
17 all feasible steps to significantly reduce the population of detainees it confines.  
18 Every detainee who can be safely released must be. ICE should also assess that  
19 placement in the community can be reasonably accommodated for people with  
20 mental health disabilities.

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21 <sup>13</sup> Dhabhar, F. S. (2014). Effects of stress on immune function: The good, the bad,  
22 and the beautiful. *Immunologic Research*, 58(2), 193–  
23 210. <https://doi.org/10.1007/s12026-014-8517-0>. In addition, as Louise Hawkey  
24 summarized, a “growing body of research suggests that people who are socially  
25 isolated have increased rates of hypertension, chronic cardiovascular diseases such  
26 as heart disease and stroke, and early mortality.” Hawkey, L. (2020). Social  
27 isolation, loneliness, and health, in Jules Lobel & Peter Scharff Smith (eds.),  
28 *Solitary confinement: Effects, practices, and pathways toward reform* (pp.185-198).  
New York: Oxford University Press, p. 195. Thus, in addition to the effects of  
stress, social isolation makes people less healthy in general, and likely more  
susceptible to pathogens such as COVID-19.

1 41. It is also my opinion that, unless immediate measures are taken to implement  
2 the CDC guidelines for responding to the COVID-19 Pandemic, and to  
3 significantly reduce the population of persons housed in ICE detention facilities  
4 needless suffering and loss of life are likely to occur.

5 42. With respect to lockdown procedures, I urgently recommend that ICE  
6 facilities cease employing general, preemptive lockdowns, wherein detainees are  
7 confined to their cells. Instead, ICE should institute such lockdowns only where  
8 medically necessary to resolve discrete issues, such as sanitizing dorms or contact  
9 tracing of an infected detainee. If and when ICE must resort to these lockdowns, it  
10 should do so in a reasonably time-limited manner and communicate that time-limit  
11 to the detainees who are affected. Moreover, if lockdowns are employed, ICE  
12 should ensure detainees' access to resources to protect their mental health, such as  
13 reading material and adequate access to phones, and trained ICE facility medical  
14 and mental health staff should regularly communicate with and monitor the  
15 physical and mental health of detainees who are on lockdown.

16 43. In addition, as I stated above, I believe that ICE must avoid the use of  
17 lockdown procedures with detainees who suffer pre-existing mental health  
18 conditions unless they are absolutely necessary. If psychologically vulnerable  
19 detainees must go on lockdown, ICE facility personnel should ensure that the  
20 lockdown is as brief as reasonably possible, and that these detainees are provided  
21 with *enhanced* psychological services while they are on lockdown.

22 44. With respect to ICE's quarantine and medical isolation procedures, they  
23 should be configured and operated in ways that mitigate the psychological stress of  
24 isolation. This means that only those persons who have confirmed or suspected  
25 cases of COVID-19 are placed in medical isolation (and released as soon as  
26 medical evidence indicates they are no longer contagious). The units themselves  
27 should be overseen by medical (not security) personnel and maintain heightened  
28

1 sanitary and other environmentally appropriate and adequate conditions (proper  
2 light, temperature, and ventilation). In addition, they should provide patients with  
3 *enhanced* access to personal hygiene supplies, clean water, changes of clothes,  
4 reading material, television, and methods of communicating with loved ones,  
5 attorneys and advocates. (Of course, telephones should be disinfected.)

6 45. Detainees should remain in isolated for the shortest amount of time  
7 reasonably possible to satisfy the CDC guidelines. Finally, medically isolated  
8 detainees should be checked regularly by ICE facility medical staff and given  
9 regular access to psychological services. These steps are critical for all detainees.  
10 They are particularly critical for psychologically vulnerable detainees.

11 46. It is my opinion that, unless these steps are taken to end general, preemptive  
12 lockdowns and solitary confinement-like isolation and to mitigate the  
13 psychological stress of temporary lockdowns and medical isolation procedures, for  
14 all detainees but especially for those with pre-existing mental illness and  
15 psychiatric vulnerability, ICE detainees will face grave dangers to their mental and  
16 physical health.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed on June 24, 2020 at Santa Cruz, California.  
19  
20

21 **Craig W. Haney, Ph.D.** [signed electronically]  
22

23 \_\_\_\_\_  
24 DR. CRAIG W. HANEY, PH.D.  
25  
26  
27  
28

# **EXHIBIT A**

**Exhibit A**

## CURRICULUM VITAE

Craig William Haney  
Distinguished Professor of Psychology  
UC Presidential Chair, 2015-2018  
University of California, Santa Cruz 95064

home address: 317 Ocean View Ave.  
Santa Cruz, California 95062  
phone: (831) 459-2153  
fax: (831) 425-3664  
email: [psylaw@ucsc.edu](mailto:psylaw@ucsc.edu)

## PREVIOUS EMPLOYMENT

2015-2018	University of California Presidential Chair
2014-present	Distinguished Professor of Psychology, University of California, Santa Cruz
1985-2014	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)

## Exhibit A

1972 Stanford University, M.A. (Psychology)  
1970 University of Pennsylvania, B.A.

#### HONORS AWARDS GRANTS

2020 Finalist, Stockholm Prize in Criminology (for “outstanding achievements in criminological research or for the application of research results by practitioners for the reduction of crime and the advancement of human rights”).

2018 Emerald Literati Award for “Outstanding Paper” (for “Reducing the Use and Impact of Solitary Confinement in Corrections”).

2016 Vera Institute of Justice “Reimagining Prisons” Initiative Advisory Council.  
Psychology Department “Most Inspiring Lecturer”

2015 University of California Presidential Chair (2015-2018 Term)  
Martin F. Chemers Award for Outstanding Research in Social Science  
Excellence in Teaching Award (Academic Senate Committee on Teaching).  
President’s Research Catalyst Award for “UC Consortium on Criminal Justice Healthcare” (with Brie Williams and Scott Allen).  
Vera Institute of Justice “Safe Alternatives to Segregation” (SAS) Initiative Advisory Council.  
Who’s Who in Psychology (Top 20 Psychology Professors in California) [<http://careersinpsychology.org/psychology-degrees-schools-employment-ca/#ca-psych-prof>]

2014 Distinguished Faculty Research Lecturer, University of California, Santa Cruz.

2013 Distinguished Plenary Speaker, American Psychological Association Annual Convention.

#### Exhibit A

- 2012 Appointed to National Academy of Sciences Committee to Study the Causes and Consequences of High Rates of Incarceration in the United States.
- Invited Expert 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 Alumni 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.

## Exhibit A

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

## Exhibit A

- 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

- 2010-2016 Director, Legal Studies Program
- 2010-2014 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

#### **Exhibit A**

- 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:

Counting Casualties in the War on Prisoners: Toward a Just and Lasting Peace (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

- 2020 Criminality in Context: The Psychological Foundations of Criminal Justice Reform. Washington, DC: American Psychological Association Books.
- 2014 The Growth of Incarceration in the United States: Exploring the Causes and Consequences (with Jeremy Travis, Bruce Western, et al.). [Report of the National Academy of Sciences Committee on the Causes and Consequences of High Rates of Incarceration in the United States.] Washington, DC: National Academy Press.
- 2006 Reforming Punishment: Psychological Limits to the Pains of Imprisonment, Washington, DC: American Psychological Association Books.
- 2005 Death by Design: Capital Punishment as a Social Psychological System. New York: Oxford University Press.

##### Monographs and Technical Reports

### Exhibit A

- 1989 Employment Testing and Employment Discrimination (with A. Hurtado). Technical Report for the National Commission on Testing and Public Policy. New York: Ford Foundation.

Articles in Professional Journals and Book Chapters

- 2020 “Solitary Confinement, Loneliness, and Psychological Harm,” in Jules Lobel and Peter Scharff Smith (Eds.), Solitary Confinement: Effects, Practices, and Pathways to Reform (129-152). New York: Oxford University Press.
- “Continuing to Acknowledge the Power of Dehumanizing Environments: Responding to Haslam, et al. (2019) and Le Texier (2019)” (with Philip Zimbardo), American Psychologist, 75(3), 400-402.
- “Solitary Confinement is Not Solitude: The Worst Case Scenario of Being ‘Along’ in Prison,” in Robert Coplan, Julie Bowker, & Larry Nelson (Eds.), Handbook of Solitude: Psychological Perspectives on Isolation, Social Withdrawal, and Being Alone. Second Edition. New York: Wiley-Blackwell, in press.
- “Sykes’s prison in context: and solitary: Change and continuity in the life span of a penitentiary,” in B. Crewe, A. Goldsmith, & M. Halsey (Eds.), Power and authority in the modern prison: Revisiting the Society of Captives. New York: Oxford University Press, in press.
- 2019 “Afterword,” in Robert Johnson, Condemned to Die: Life Under Sentence of Death (pp. 136-141). Second Edition. New York: Routledge.
- “Changing correctional culture: Exploring the role of U.S.-Norway exchange in placing health and well-being at the center of U.S. prison reform” (with Cyrus Ahalt, Brie Williams, and Kim Ekhaugen), American Journal of Public Health, in press.
- 2018 “Restricting the Use of Solitary Confinement,” Annual Review of Criminology, 1, 285-310.

**Exhibit A**

“Death Qualification in Black and White: Racialized Decision-Making and Death-Qualified Juries” (with Mona Lynch), Law & Policy, 40(2), 148-171.

“Balancing the Rights to Protection and Participation: A Call for Expanded Access to Ethically Conducted Correctional Research. Journal of General Internal Medicine, 33(22).  
DOI: 10.1007/s11606-018-4318-9.

“The Plight of Long-Term Mentally-Ill Prisoners” (with Camille Conrey and Roxy Davis), in Kelly Frailing and Risdon Slate (Eds.), The Criminalization of Mental Illness (pp. 163-180). Durham, NC: Carolina Academic Press.

“The Psychological Effects of Solitary Confinement: A Systematic Critique,” Crime and Justice, 47, 365-416.

“The Media’s Impact on the Right to a Fair Trial: A Content Analysis of Pretrial Publicity in Capital Cases (with Shirin Bakhshay), Psychology, Public Policy, and Law, 24, 326-346.

2017 “Mechanisms of Moral Disengagement and Prisoner Abuse” (with Joanna Weill). Analyses of Social Issues and Public Policy, 17, 286-318.

“‘Madness’ and Penal Confinement: Observations on Mental Illness and Prison Pain,” Punishment and Society, 19, 310-326.

“Contexts of Ill-Treatment: The Relationship of Captivity and Prison Confinement to Cruel, Inhuman, or Degrading Treatment and Torture” (with Shirin Bakhshay), in Metin Başoğlu (Ed.), Torture and Its Definition in International Law: An Interdisciplinary Approach (pp.139-178). New York: Oxford.

Special Issue: “Translating Research into Policy to Advance Correctional Health” (guest editor with B. Williams, C. Ahalt, S. Allen, & J. Rich), Part II, International Journal of Prisoner Health, 13, 137-227.

“Reducing the Use and Impact of Solitary Confinement in Corrections” (with Cyrus Ahalt, Sarah Rios, Matthew Fox, David Farabee, and Brie Williams), International Journal of Prisoner Health, 13, 41-48.

## Exhibit A

- 2016 “Examining Jail Isolation: What We Don’t Know Can Be Profoundly Harmful” (with Joanna Weill, Shirin Bakhshay, and Tiffany Winslow), The Prison Journal, 96, 126-152.
- “On Structural Evil: Disengaging From Our Moral Selves,” Review of the book Moral Disengagement: How People Do Harm and Live With Themselves, by A. Bandura], PsycCRITIQUES, 61(8).
- 2015 “When Did Prisons Become Acceptable Mental Healthcare Facilities?,” Report of the Stanford Law School Three Strikes Project (with Michael Romano et al.) [available at: [http://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/632655/doc/slspublic/Report\\_v12.pdf](http://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/632655/doc/slspublic/Report_v12.pdf) ].
- “Emotion, Authority, and Death: (Raced) Negotiations in Capital Jury Negotiations” (with Mona Lynch), Law & Social Inquiry, 40, 377-405.
- “Prison Overcrowding,” in B. Cutler & P. Zapf (Eds.), APA Handbook of Forensic Psychology (pp. 415-436). Washington, DC: APA Books.
- “The Death Penalty” (with Joanna Weill & Mona Lynch), in B. Cutler & P. Zapf (Eds.), APA Handbook of Forensic Psychology (pp. 451-510). Washington, DC: APA Books.
- “‘Prisonization’ and Latinas in Alternative High Schools” (with Aida Hurtado & Ruby Hernandez), in J. Hall (Ed.), Routledge Studies in Education and Neoliberalism: Female Students and Cultures of Violence in the City (pp. 113-134). Florence, KY: Routledge.
- 2014 “How Healthcare Reform Can Transform the Health of Criminal Justice-Involved Individuals” (with Josiah Rich, et al.), Health Affairs, 33:3 (March), 1-6.
- 2013 “Foreword,” for H. Toch, Organizational Change Through Individual Empowerment: Applying Social Psychology in Prisons and Policing. Washington, DC: APA Books.

## Exhibit A

- “Foreword,” for J. Ashford & M. Kupferberg, Death Penalty Mitigation: A Handbook for Mitigation Specialists, Investigators, Social Scientists, and Lawyers. New York: Oxford University Press.
- 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 Incarceration,” Prison Journal, 92, 1-24.
- “The Psychological Effects of Imprisonment,” 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.

## Exhibit A

“Hiding From the Death Penalty,” Huffington Post, July 26, 2010 [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.
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“Achieving Educational Equity: Beyond Individual Measures of Merit,” (with A. Hurtado), Harvard Journal of Hispanic Policy, 17, 87-92.

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2004 “Special Issue on the Death Penalty in the United States” (co-edited with R. Weiner), Psychology, Public Policy, and Law, 10, 374-621.

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“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.

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

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- 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.
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- 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.
- “Afterword,” in J. Evans (Ed.), Undoing Time (pp. 245-256). Boston, MA: Northeastern University Press.
- 2000 “Discrimination and Instructional Comprehension: Guided Discretion, Racial Bias, and the Death Penalty” (with M. Lynch), Law and Human Behavior, 24, 337-358.
- “Cycles of Pain: Risk Factors in the Lives of Incarcerated Women and Their Children,” (with S. Greene and A. Hurtado), Prison Journal, 80, 3-23.
- 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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- “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.
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- “Psychological Secrecy and the Death Penalty: Observations on ‘the Mere Extinguishment of Life,’” Studies in Law, Politics, and Society, 16, 3-69.
- 1995 “The Social Context of Capital Murder: Social Histories and the Logic of Capital Mitigation,” Santa Clara Law Review, 35, 547-609. [Reprinted in part in David Papke (Ed.), Law and Popular Culture, Lexis/Nexis Publications, 2011)].
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- 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.
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- “Processing the Mad, Badly,” Contemporary Psychology, 39, 898-899.
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- 1986 “Civil Rights and Institutional Law: The Role of Social Psychology in Judicial Implementation,” (with T. Pettigrew), Journal of Community Psychology, 14, 267-277.
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“On the Selection of Capital Juries: The Biasing Effects of Death Qualification,” Law and Human Behavior, 8, 121-132.

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- “To Polygraph or Not: The Effects of Preemployment Polygraphing on Work-Related Attitudes,” (with L. White and M. Lopez), Polygraph, 11, 185-199.
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- “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. Manzolari), in E. Aronson (Ed.), Readings on the Social Animal. San Francisco, W.H. Freeman, pp. 125-136.
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- 1977 “Prison Behavior” (with P. Zimbardo), in B. Wolman (Ed.), The Encyclopedia of Neurology, Psychiatry, Psychoanalysis, and Psychology, Vol. IX, pp. 70-74.

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- “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; translated as: La Psicología del encarcelamiento: privación, poder y patología, Revisita de Psicología Social, 1, 95-105 (1986).]
- 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.]

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“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)

### Exhibit A

- 2019 “The Recent History of Corrections in Norway and the United States,” Plenary Address, Justice Reinvestment Summit, Salem, OR, February.
- “The Dimensions of Suffering in Solitary Confinement,” Plenary Address, Washington College of Law at American University, Washington, DC, March.
- “Implementing Norwegian Correctional Principles to Change Prison Culture in Oregon Prisons,” Invited Address, Oregon Department of Corrections Leadership Team, Salem, OR, June.
- “Humanizing American Jails and Prisons,” Center for Court Innovation, International Summit, New York, NY, June.
- “From the Stanford Prison Experiment to Supermax Prisons and Back Again: Changing the Narrative in Criminal Justice Reform,” Invited Address, Norwegian Correctional Academy, Oslo, Norway, September.
- Plenary Address, “Perspectives on Solitary Confinement,” Northwestern University Law Review Symposium, Chicago, IL, November.
- 2018 “The Art and Science of Capital Mitigation,” Federal Death Penalty Training Conference, Atlanta, Georgia, June.
- “From Eastern State Penitentiary to Supermax Prisons,” Safe Alternatives to Segregation Conference, Vera Institute of Justice, Philadelphia, PA, June.
- Plenary Address, “Advancing Prisoners’ Rights Through Law and Psychology,” Denver Law Prisoners’ Advocates Conference, University of Denver Sturm College of Law, Denver, CO, October.
- “In Praise of Positivism in the Age of ‘Fake News’ and ‘Alternative Facts,’” Research Frontiers Conference, Santa Cruz, CA, October.
- 2017 “Neuroscience in Policy: Solitary Confinement in California,” Law & Neuroscience Conference, San Francisco, CA, February.

## Exhibit A

“In My Solitude: The Detrimental Effects of Solitary Confinement on the Brain,” Exploratorium-Fisher Bay Observation Gallery, San Francisco, CA, February.

“Brief History of Correctional Reform in the United States,” Community Corrections Partnership/Smart on Crime Community Forum, Santa Cruz Civic Auditorium, May.

“Reducing and Eliminating the Use of Solitary Confinement in Irish Prisons,” Joint Conference with the Irish Prison Service, Department of Justice, and Irish Penal Reform Trust, Dublin, Ireland, June.

“The Emerging Consensus on When, for How Long, and On Whom Solitary Confinement Should Ever Be Imposed,” Leadership, Culture and Managing Prisons: Knowledge Exchange between the USA and Europe (LEADERS), Trinity College, Dublin, Ireland, June.

“Sykes and Solitary: The Transformation of the Penal Subject in the Devolution from a ‘Society of Captives’ to Supermax Prisons,” Power and Authority in Modern Prisons: Essays in Memory of Gresham Sykes Workshop, Centre for Prison Research, Cambridge University, Cambridge, England, September.

“Context Is Everything: The Social Psychology of Imprisonment,” Joint USA/Scandinavian Correctional Exchange Program, Oslo, Norway, September.

2016 “The Culture of Punishment,” American Justice Summit, New York, January.

“Mental Illness and Prison Confinement,” Conference on Race, Class, Gender and Ethnicity (CRCGE), University of North Carolina Law School, Chapel Hill, NC, February.

“Reforming the Treatment of California’s Mentally Ill Prisoners: Coleman and Beyond,” Meeting of the UC Consortium on Criminal Justice & Health, San Francisco, April.

“Bending Toward Justice? The Urgency (and Possibility) of Criminal Justice Reform,” UC Santa Cruz Alumni Association “Original Thinkers” Series, San Jose, CA (March), and Museum of Tolerance, Los Angeles (April).

## Exhibit A

“Isolation and Mental Health,” International and Inter-Disciplinary Perspectives on Prolonged Solitary Confinement, University of Pittsburgh Law School, Pittsburgh, PA, April.

“Mechanisms of Moral Disengagement in the Treatment of Prisoners” (with Joanna Weill), Conference of the Society for the Study of Social Issues, Minneapolis, June.

2015

“Reforming the Criminal Justice System,” Bipartisan Summit on Criminal Justice Reform, American Civil Liberties Union/Koch Industries co-sponsored, Washington, DC, March.

“PrisonWorld: How Mass Incarceration Transformed U.S. Prisons, Impacted Prisoners, and Changed American Society,” Distinguished Faculty Research Lecture, UC Santa Cruz, March.

“Think Different, About Crime and Punishment,” Invited Lecture, UC Santa Cruz 50<sup>th</sup> Anniversary Alumni Reunion, April.

“The Intellectual Legacy of the Civil Rights Movement: Two Fifty-Year Anniversaries,” College 10 Commencement Address, June.

“Race and Capital Mitigation,” Perspectives on Racial and Ethnic Bias for Capital and Non-Capital Lawyers, New York, September.

“The Dimensions of Suffering in Solitary Confinement,” Vera Institute of Justice, “Safe Alternatives to Solitary Confinement-A Human Dignity Approach” Conference, Washington, DC, September.

“Mental Health and Administrative Segregation,” Topical Working Group on the Use of Administrative Segregation in the U.S., National Institute of Justice/Department of Justice, Washington, DC, October.

“The Psychological Effects of Segregated Confinement,” Ninth Circuit Court of Appeals “Corrections Summit,” Sacramento, CA, November.

“How Can the University of California Address Mass Incarceration in California and Beyond?,” Keynote Address, Inaugural Meeting of the UC Consortium on Criminal Justice & Health, San Francisco, November.

## Exhibit A

- 2014 “Solitary Confinement: Legal, Clinical, and Neurobiological Perspectives,” American Association for the Advancement of Science (AAAS), Chicago, IL February.
- “Overcrowding, Isolation, and Mental Health Care, Prisoners’ Access to Justice: Exploring Legal, Medical, and Educational Rights,” University of California, School of Law, Irvine, CA, February.
- “The Continuing Significance of Death Qualification” (with Joanna Weill), Annual Conference of the American Psychology-Law Society, New Orleans, March.
- “Using Psychology at Multiple Levels to Transform Adverse Conditions of Confinement,” Society for the Study of Social Issues Conference, Portland, OR, June.
- “Humane and Effective Alternatives to Isolated Confinement,” American Civil Liberties Union National Prison Project Convening on Solitary Confinement, Washington, DC, September.
- “Community of Assessment of Public Safety,” Community Assessment Project of Santa Cruz County, Year 20, Cabrillo College, November.
- “Overview of National Academy of Sciences Report on Causes and Consequences of High Rates of Incarceration,” Chief Justice Earl Warren Institute on Law & Social Policy, Boalt Hall Law School, Berkeley, CA, November.
- “Presidential Panel, Overview of National Academy of Sciences Report on Causes and Consequences of High Rates of Incarceration,” American Society for Criminology, San Francisco, November.
- “Presidential Panel, National Academy of Sciences Report on Consequences of High Rates of Incarceration on Individuals,” American Society for Criminology, San Francisco, November.
- “Findings of National Academy of Sciences Committee on the Causes and Consequences of High Rates of Incarceration,” Association of Public Policy Analysis and Management Convention (APPAM), Albuquerque, NM, November.

## Exhibit A

“Politics and the Penal State: Mass Incarceration and American Society,” New York University Abu Dhabi International Scholars Program, Abu Dhabi, United Arab Emirates, December.

- 2013 “Isolation and Mental Health,” Michigan Journal of Race and Law Symposium, University of Michigan School of Law, Ann Arbor, MI, February.
- “Social Histories of Capital Defendants” (with Joanna Weill), Annual Conference of Psychology-Law Society, Portland, OR, March.
- “Risk Factors and Trauma in the Lives of Capital Defendants” (with Joanna Weill), American Psychological Association Annual Convention, Honolulu, HI, August.
- “Bending Toward Justice: Psychological Science and Criminal Justice Reform,” Invited Plenary Address, American Psychological Association Annual Convention, Honolulu, HI, August.
- “Severe Conditions of Confinement and International Torture Standards,” Istanbul Center for Behavior Research and Therapy, Istanbul, Turkey, December.
- 2012 “The Psychological Consequences of Long-term Solitary Confinement,” Joint Yale/Columbia Law School Conference on Incarceration and Isolation, New York, April.
- “The Creation of the Penal State in America,” Managing Social Vulnerability: The Welfare and Penal System in Comparative Perspective, Central European University, Budapest, Hungary, July.
- 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.

## Exhibit A

“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

## Exhibit A

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.

## Exhibit A

“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.

## Exhibit A

“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.

## Exhibit A

“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.

## Exhibit A

“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.

## Exhibit A

- 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.

## Exhibit A

- 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.

## Exhibit A

- “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.

## Exhibit A

“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

2016-present Editorial Consultant, Translational Issues in Psychological Science.

2015-present Editorial Consultant, Criminal Justice Review.

2014-present Editorial Board Member, Law and Social Inquiry.

2013-present Editorial Consultant, Criminal Justice and Behavior.

2012-present Editorial Consultant, Law and Society Review.

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 Consultant, Journal of Offender 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 (until 2004), Consultant, Psychology, Public Policy, and Law

**Exhibit A**

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).

**Exhibit A**

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.

## **Exhibit A**

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 (USCIRF). Evaluation of Immigration and Naturalization Service Detention Facilities, July, 2004-2005.

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 undocumented persons, 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

## **Exhibit A**

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.

Invited Witness, Before the California Assembly Committee on Public Safety, August 23, 2011.

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.

Invited Witness, Before United States Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights Hearing on Solitary Confinement, June 19, 2012.

Member, National Academy of Sciences Committee to Study the Causes and Consequences of the High Rate of Incarceration in the United States, 2012-2014.

Member, National Academy of Sciences Briefing Group, briefed media and public officials at Pew Research Center, Congressional staff, and White House staff concerning policy implications of The Growth of Incarceration in the United States: Exploring the Causes and Consequences (2014), April 30-May 1.

Consultant to United States Department of Justice and White House Domestic Policy Council on formulation of federal policy concerning use of segregation confinement, 2015.

#### 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.

### **Exhibit A**

Wilson v. Brown (Marin County 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.

## **Exhibit A**

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.

## **Exhibit A**

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, 563 U.S. 493 (2011).]

Ashker v. Brown (United States District Court, Northern District of California, 2013-2015). Evaluation of the effect of long-term isolated confinement in Pelican Bay State Prison Security Housing Unit.

Parsons v. Ryan (United States District Court, District of Arizona, 2012-14). Evaluation of conditions of segregated confinement for mentally ill and non-mentally ill prisoners in statewide correctional facilities. [See Parsons v. Ryan, 754 F.3d 657 (9<sup>th</sup> Cir. 2014)].

Braggs v. Dunn (United States District Court, Middle District of Alabama, 2015-2017). Evaluation of mental health care delivery system, overcrowded conditions of confinement, and use of segregation in statewide prison system. [See Braggs v. Dunn, 257 F. Supp. 3d 1171 (M.D. Ala. 2017).]

## Exhibit A

# **EXHIBIT B**

**Exhibit B**

## **Index:**

### **Provided June 23, 2020**

- April 10, 2020 Pandemic Response Requirements
- June 23, 2020 Pandemic Response Requirements

### **Provided June 22, 2020**

- Declaration of Oscar Manuel Perez Aguirre
- CDC Guidelines
  - CDC Interim Guidelines FAQ (June 2020)
  - CDC Interim Guidelines Pamphlet (March 30, 2020)
  - CDC Interim Guidelines Main (March 23, 2020)

### **Provided June 4, 2020**

- Declaration of Plaintiff Ruben Mencias Soto
- Letter from SPLC to Pine Prairie ICE Processing Center
- CBS News: Experts Worry About Effects of Coronavirus Pandemic on Those with Mental Health Issues
- ICE Production on Mental Illness
- Journal on Korean Medical Science – *Report on the Epidemiological Features of Coronavirus Disease 2019 (COVID-19) Outbreak in the Republic of Korea from January 19 to March 2, 2020*
- KFF: *The Implications of COVID-19 for Mental Health and Substance Use*
- Maryland General Health: *FAQs about Mental Health and COVID-19*
- Mass General: *Specific Mental Health Conditions (COVID-19)*
- NCBI: *Impact of COVID-19 Pandemic on Pre-Existing Mental Health Problems*

## **Exhibit B**

- Memo: Psychiatric Illness and COVID-19
- The Lancet Psychiatry: *Patients with Mental Health Disorders in the COVID-19 Pandemic*

**Provided June 9, 2020**

- Declaration of Plaintiff Alex Hernandez (March 25, 2020)
- Declaration of Plaintiff Alex Hernandez (April 10, 2020)
- ICE's COVID-19 Pandemic Response Requirements (April 10, 2020)
- LA Times: *ICE Said a 74-year-old was Too Dangerous to Release. He Died of Apparent Suicide.*
- Washington Examiner: *Elderly ICE Detainee Seeking Release to Avoid Coronavirus Dies by Suicide*

**Provided March 11, 2020**

- Disability Rights California, *There is No Safety Here* (March 2017)
- Office of Inspector General, Office of Homeland Security, OIG-16-113-VR: *Ice Still Struggles to Hire and Retain Staff for Mental Health Cases in Immigration Detention* (July 2016)
- Office of Inspector General, Office of Homeland Security, OIG-11-62: *Management of Mental Health Cases in Immigration Detention* (March 2011)