



OLR RESEARCH REPORT

April 4, 2011

2011-R-0171

DEATH ROW CONDITIONS

By: Christopher Reinhart, Chief Attorney

You asked for a description of death row, how inmates are handled, and what privileges they have.

SUMMARY

Inmates sentenced to death are held at Northern Correctional Institution, the highest security prison in Connecticut, and incarcerated under stricter rules than general population inmates. A Department of Correction (DOC) representative recently stated to the press that death row inmates spend 22 hours a day in their cells, have no congregated activity, and are always by themselves.

Under DOC directives, death row inmates:

1. are escorted by at least one staff person and are placed in restraints when moving outside their cell;
2. have two hours of recreation outside of their cells six days a week, one hour typically indoors in an area with the law library and a phone and the other alone outside in a courtyard inside a cage, according to DOC comments in a newspaper;
3. have access to the commissary but are subject to more restrictions on property than general population inmates;

4. have access to programs and services according to applicable court decrees and sound correctional management principles including educational, social, and counseling services and religious guidance, but fewer programs are available at Northern than at other prisons;
5. may have work assignments that are restricted to the death row housing unit but must be secured in their assigned area until the task is completed; and
6. are allowed up to three non-contact visits per week that are limited to one hour each.

The sections below describe normal management for death row inmates as described in DOC's directives (Administrative Directives 9.2 and 9.4 and DOC Death Row Directive 9.4.1). The directives state that individual inmates may require additional restrictions for order or control based on their history or current behavior.

DEATH ROW CELLS

Directives require death row housing areas to be well-ventilated, adequately lighted, appropriately heated, and sanitary. Cells are normally equipped with a bed and furnished consistent with general population cells.

The directives require staff to search each death row cell at least three times a week. The death row housing unit must be:

1. visited by staff at least every 15 minutes on an irregular schedule and a more frequent basis for problem inmates,
2. visited by a custody supervisor or unit manager each shift, and
3. inspected at least twice a week by the unit administrator.

Inmates who are violent, have a mental disorder, or demonstrate unusual or bizarre behavior are observed more frequently and suicidal inmates are under continuing supervision.

According to DOC spokesman Brian Garnett, death row inmates spend 22 hours a day in their cells, have no congregate activity, and are always by themselves (Eaton-Robb, Pat, Associated Press, "Hayes Will Face an Isolated Life on Death Row," November 28, 2010, in various newspapers including *The Middletown Press*).

PROPERTY

Under the directives, death row inmates:

1. are provided appropriate clothing that is not degrading and should be the same as general population clothing unless an adjustment is needed for self-protection such as removing a belt to prevent a suicide attempt,
2. can have basic personal items for use in their cells,
3. can have reading materials,
4. can access the commissary, and
5. have the same opportunities for writing and receiving but not retaining letters as general population inmates.

We have attached a list of items that death row inmates are currently allowed to have.

Property can be removed when an inmate is under certain restrictions such as behavior management status, when the inmate retains only a safety gown and safety blanket.

MOVEMENT OUTSIDE CELL

The directives require a minimum of one staff person to escort each death row inmate. The directives also require the use of restraints when moving inmates outside of their cells. Death row inmates are:

1. handcuffed behind the back for routine out-of-cell movement including showers, recreation, social visits, social phone calls, and using dayrooms (restraints are removed once the inmate is secured in the area and the process is reversed to return the inmate to his cell);
2. fully restrained in front (handcuffs, leg irons, and tether chain) for professional visits including attorney, medical, mental health, and related visits and video conferencing which require staff being secured in an area with the inmate (restraints remain on at all times); and

3. fully restrained behind the back (handcuffs, leg irons, and tether chain) for out-of-unit movement within the facility except when a medical or dental procedure requires full restraints in the front (restraints remain on at all times).

RECREATION

Under the directives, death row inmates have recreation outside of their cells for a minimum of one hour daily, five days a week, but a supervisor may deny recreation when the inmate presents a threat to the unit's safety and security. The inmates receive an opportunity for meaningful recreation, using restraints commensurate with classification reviews of the inmate's current level of disruptive behavior. An inmate may be given additional out-of-cell time daily between 5:30 p.m. and 9:00 p.m. in the day room adjacent to the death row cells, one inmate at a time.

According to DOC spokesman Brian Garnett, death row inmates have two hours of recreation outside of their cells six days a week, one hour typically indoors in an area with the law library and a phone and the other alone outside in a courtyard inside a cage ("Hayes Will Face an Isolated Life on Death Row," November 28, 2010).

FOOD

Death row inmates receive all meals in their cells. Food is of the same quality and quantity as for the general inmate population. Staff uses alternative meal service if the inmate uses the food or food service equipment in a manner hazardous to the inmate, staff, or other inmates. There is no contact with any non-death row inmates.

PROGRAMS AND SERVICES

Under the directives, death row inmates have access to available programs and services according to applicable court decrees and sound correctional management principles. This includes educational, social, and counseling services and religious guidance. They may access educational and library programs consistent with security needs.

A member of the health services unit visits the death row housing unit at least once per shift, a counselor visits death row inmates at least daily, and facility chaplains schedule visits to death row inmates at least weekly.

Most of the programs available at Northern are for other inmates incarcerated there: those in the administrative segregation program, chronic disciplinary unit, or security risk group. Other programs include:

1. three in-cell classes dealing with choices inmates made and making different choices, handling stressful situations, and interpersonal effectiveness;
2. HIV education and support;
3. skill building;
4. religious services and study for various faiths;
5. special education and pupil services; and
6. victim-offender dialogue.

A list of programs is available at:

<http://www.ct.gov/doc/lib/doc/pdf/compendium/compendiumnorthern.pdf>.

WORK

The directives restrict work assignments for death row inmates to the death row housing unit. The inmate is secured in the assigned area until completing the task. Direct supervision is not required while the inmate is in the secured area but the area and the inmate must be shaken down before he or she is returned to his or her cell.

VISITS AND PHONE CALLS

The directives allow visits to death row inmates unless there are substantial reasons for withholding the privilege. Visits may be cancelled if the inmate's behavior or actions are a threat to facility or staff security or safety. Legal visits are permitted as needed and approved by the unit manager or his or her designee.

Northern's visitation schedule states that:

1. visits are non-contact,
2. visitors are separated by a glass partition and communicate by a phone which may be monitored,

3. all social visits are scheduled through the unit manager's office,
4. death row inmates are allowed up to three visits per week, and
5. visits are limited to one hour.

Unless authorized by the unit administrator or his or her designee, inmates are allowed limited telephone privileges except for calls related to accessing the inmate's attorney of record.

CR: ek