



OLR RESEARCH REPORT

April 4, 2011

2011-R-0178

PRISON CONDITIONS FOR DEATH ROW AND LIFE WITHOUT PAROLE INMATES

By: Christopher Reinhart, Chief Attorney

You asked for a comparison of the prison conditions of inmates sentenced to death with those sentenced to life without parole.

SUMMARY

It is difficult to compare the prison conditions of inmates sentenced to death with those sentenced to life without parole.

Inmates sentenced to death are housed at Northern Correctional Institution, the highest security prison in Connecticut (classified as a level 5 facility), and Department of Correction (DOC) directives set many of their conditions of confinement. But the directives do not specify the confinement conditions for inmates sentenced to life without parole. In addition, they may be held in different facilities and we do not have specific information on the confinement conditions for each facility. DOC provided general information on conditions for these inmates and DOC directives provide some additional details.

Based on this information, death row inmates are subject to more restrictions than inmates sentenced to life without parole including:

1. death row inmates are held in single cells while life without parole inmates are in double celled housing,

2. death row inmates have two hours of recreation outside of their cells six days a week and are always by themselves while life without parole inmates are usually outside their cells six to seven hours a day and can be with other inmates,
3. both types of inmates have access to the commissary but death row inmates face more restrictions on the types of property they can have,
4. death row inmates eat meals alone in their cells while life without parole inmates eat in their cells or in a chow hall or day room,
5. both types of inmates have access to programs and services but fewer programs are available at Northern than at other prisons,
6. death row inmates may have work assignments that are restricted to the death row housing unit while life without parole inmates have more opportunities including industry jobs, and
7. death row inmates are allowed up to three non-contact visits per week that are limited to one hour each while life without parole inmates may qualify for contact visits and are usually allowed at least two visits per week of at least one hour.

In addition, the directives require death row inmate to be escorted by at least one staff person and are placed in restraints when moving outside their cell. Directives do not specify these procedures for inmates sentenced to life without parole.

DEATH ROW INMATES

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.

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, 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 use 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. 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.

INMATES SENTENCED TO LIFE WITHOUT PAROLE

DOC directives do not specify the confinement conditions for inmates sentenced to life without parole. An inmate's confinement conditions could vary based on where he or she is confined.

According to information provided by DOC, inmates sentenced to life without parole would be transferred to a level 4 facility: Cheshire Correctional Institution, Corrigan-Radgowski Correctional Center, Garner Correctional Institution, or MacDougall-Walker Correctional Institution. But DOC stated that the specific facility would vary based on the inmate's classification and assessment and available bed space. Under

DOC's *Classification Manual*, it appears that an inmate sentenced to life without parole could be confined in a higher or lower security facility based on various classification factors.

General Level 4 Conditions

DOC provided us with general information about the confinement conditions for inmates sentenced to life without parole in a level four facility. These inmates:

1. have double celled housing;
2. have employment opportunities including industry jobs; and
3. can receive meals in their cells or in chow hall or day room depending on the facility.

According to DOC spokesman Brian Garnett, inmates sentenced to life without parole are allowed outside their cells six to seven hours a day and can spend that time with other inmates ("Hayes Will Face an Isolated Life on Death Row," November 28, 2010).

Programs

DOC offers different programs in different facilities, but all of the level 4 facilities offer more programs than Northern. For example, MacDougall-Walker programs include academic education (such as adult basic education, GED, and special education), vocational education (such as carpentry, computers, and graphics), parenting and family issues classes, addiction services, anger management, art classes, book club, business education, domestic violence groups, HIV counseling, victim-offender dialogues, religious study and worship for various faiths, and a lifer's group for offenders serving at least 25 years. MacDougall-Walker also has an industries programs and operates a regional commissary that employs inmates. More information is available at: <http://www.ct.gov/doc/cwp/view.asp?a=1499&Q=265424&docNav=|>.

Garner houses inmates with significant mental health needs and has more mental health programs than other facilities.

Visits

Under DOC directives, inmates are normally allowed a minimum of two regular visits per week. Level 2, 3, and 4 facilities can allow contact visits that are not separated by a screen or glass partition, but inmates are not entitled to them. Level 4 inmates must qualify for contact visits based on their disciplinary reports, program participation, and security status. Facilities can set specific rules for the duration of visits but they are normally allowed for at least one hour. Facilities may limit the number of visitors at the same time due to space, the amount of activity, or other reasonable factors (DOC Directive 10.6).

CR: ek