

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-1059

AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, THE USE OF ISOLATED CONFINEMENT, SECLUSION AND RESTRAINTS, SOCIAL CONTACTS FOR INCARCERATED PERSONS AND TRAINING AND

Title: WORKERS' COMPENSATION BENEFITS FOR CORRECTION OFFICERS.

Vote Date: 4/8/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/22/2021

File No.: 616

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Sen. Rick Lopes, 6th Dist.,
Rep. Tom Arnone, 58th Dist.

REASONS FOR BILL:

This bill changes various laws related to the DOC, with the intention of increasing accountability and decreasing cruel, counterproductive, and discriminatory practices to acknowledge the humanity and worth of inmates. Multiple human rights bodies have interpreted Connecticut Department of Correction (DOC) disciplinary procedures as violations of human rights laws and standards. Last year, the United Nations published a report which stated: "The [Connecticut] DOC appears to routinely resort to repressive measures, such as prolonged or indefinite isolation, excessive use of in cell restraints, and needlessly intrusive strip searches (...) a state-sanctioned policy aimed at purposefully inflicting pain or suffering, physical or mental, which may well amount to torture."

This bill does not ban solitary confinement or in-cell restraint but limits the practices by establishing new laws related to use of seclusion, restraints, and other disciplinary tactics. The bill allows most incarcerated individuals the opportunity to be outside of their cells for at least eight hours per day, establishes basic visitation and correspondence rights for inmates, and provides mental health care benefits and additional training for correction officers. The bill enhances the powers of the correction ombuds program, mandates the creation of a Correction Accountability Commission, and requires the DOC to collect and annually report data that is currently publicly inaccessible.

SUBSTITUTE LANGUAGE:

The substitute language defines, clarifies, and limits DOC disciplinary practices and establishes new rights for incarcerated individuals. The language provides the Office of the Correction Ombuds independence from DOC oversight and expands the scope, authority, and services provided by the ombuds program to include all incarcerated individuals in DOC custody as opposed to just minors. The language also extends protections and benefits to correction officers who suffer emotional or mental impairment while working at DOC facilities.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut, Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo supports this bill stating that the use of isolation as a means of discipline is inhumane and counterproductive to the goal of rehabilitation. It is also stated that the DOC should work to eliminate the use of solitary confinement and restraints, by providing effective alternatives, and this proposal is a step in the right direction.

State of Connecticut, Commission on Human Rights and Opportunities supports this bill, citing a 2016 study by Yale Law School that found significant racial disparities in solitary confinement at the DOC. At the time, Black male inmates made up 42% of the Connecticut prison population but accounted for 57% of the solitary confinement population, while white male inmates made up 32% of the Connecticut prison population but only 23% of those in solitary confinement. It is also stated that these racial disparities persisted when controlling for factors like the type of crime they were convicted of, length of sentence, and age and that the most significant disparities in the use of solitary confinement resulted from punishment for discretionary infractions such as disobeying the order of a correctional officer.

State of Connecticut, Office of the Child Advocate, Acting Child Advocate, Sarah Healy Eagan supports this bill but reminds officials that significant concerns persist for incarcerated youth ages 15 to 21, and that progress for youth is hampered due to continued resources, program design, and facility limitations of the adult prison custody model.

NATURE AND SOURCES OF SUPPORT:

Waterbury, CT, Resident, and currently incarcerated individual, Carlos Baez supports this bill stating that he has experienced prolonged isolation for up to 30 days at a time at Cheshire C.I. as well as in-cell restraints. It is also stated that the DOC treats prisoners like they are animals.

CT, Resident, and currently incarcerated individual, Joe Baltas supports this bill stating experience with extensive physical assaults and mace attacks by DOC staff, false disciplinary reports, being chained inside of his cell unable to move for several days, and prolonged solitary confinement. Mr. Baltas stated that correction officers “regularly spray mace under the doors of isolation cells to amuse themselves with the prisoner’s reaction.” It is also stated that Mr. Baltas cannot count the number of people he’s witnessed, “break and begin to harm themselves in vicious ways while corrections would stand by and watch and cheer on the self-harm because it gives them an excuse to run into the cell, hurt someone, and put him in chains.”

Torrington, CT, Resident, and currently incarcerated individual, Kyle Lamar Paschal-Barros supports this bill recalling his experience in prolonged solitary confinement when staff had knowledge of his prior mental health and disability diagnoses. Mr. Paschal-Barros was incarcerated before the age of eighteen and maintains his innocence.

Hartford, CT, Resident, and incarcerated individual currently in administrative segregation, Julian Bennet supports this bill stating that he has been restrained inside a freezing cold cell over 50 times, stating that “while chained up as a slave overnight, I’ve been forced to stay in cells that had feces, urine, dried up food particles, and little insects all over.” Mr. Bennet recalls numerous times that supervisors and correction officers entered his cell while he was on in-cell restraints without video surveillance and beat him and sprayed him with mace then claimed that he was resisting. It is also stated that as someone with lifelong mental health disorders, “being in this kind of environment does not fit my institutional needs, and in fact worsens my mental disorders to the point where sometimes I don’t feel as though I am human anymore.”

New Haven, CT, Resident, Tracy Blanford, RN supports this bill stating that it is a necessary reform with specific goals that will enhance public safety, inmate safety, and reduce harm to correctional officers. It is also stated that the state needs: clear and enforceable standards for the use of any isolative or restrictive measures utilizing best practices, systematic data collection on isolation and restraint use, transparency and accountability within the DOC, access to social connections, letters, and phone calls, with clear standards for denying these, and support for correction officers such as mental health training.

Hamden, CT, Resident, and Stop Solitary CT, Board Member, Kevnesha Boyd supports this bill stating that her experience as a mental health counselor for the DOC was traumatic and

that the work environment is toxic. It is also stated that she resigned after one of her patients was found chained dead in isolated confinement in a cell.

Yale University School of Medicine, Psychiatry Resident, Jessica Chaffkin MD supports this bill, citing findings that those exposed to isolated confinement are over 6 times as likely to attempt suicide while incarcerated. It is also stated that placing people in isolated confinement does not reduce rates of violence or misconduct.

New Haven, CT, Resident, Paul Hammer supports this bill citing a 40% decline in assaults, forced cell entries, and the use of heavy restraints at the Colorado DOC after the state banned solitary in two prisons devoted to those with mental health issues. Supermax prisons ended long-term solitary confinement, developed de-escalation cells as opposed to long-term restrictive housing cells, and allowed prisoners in supermax facilities to use the gym, day halls, and re-entry units daily. It is also stated that the Connecticut DOC is currently tolerating and funding torture and that those in solitary confinement are in the custody of all CT citizens, as everyone pays taxes to support such violations of human rights.

Center for Children's Advocacy, TeamChild Youth Justice Project Director, Marisa Halm, Esq. supports this bill stating that solitary confinement and prolonged isolation have significant deleterious and often irreparable impacts on mental health and that the impact is even more harmful to individuals with mental illness and for youth who are still developing.

New Haven, CT, Resident, Emerge CT, Supervisor, and formerly incarcerated individual, Tabari Hashim supports this bill, recalling his experience of 365 days in solitary confinement, "counting down and praying for an opportunity to see my mother and son again. When I was allowed visits again, I was behind a glass and another room. I was fully chained to my feet. I hope nobody listening to me goes through this heartache. Can you imagine feeling degraded, fighting back tears, and smiling at the same time. I wanted to be positive for my mother because I knew she was feeling unbearable and trauma. Her son fully chained like a slave."

New Haven, CT, Resident, and formerly incarcerated individual, Wilkins Guadalupe supports this bill recounting the trauma of being isolated in a cell 23 hours per day without access to calls, letters, commissary, or visits. It is also stated that abuse of inmates by staff from vicious beatings to unprovoked use of chemical weapons are commonplace and that staff members facilitate and profit off of drug-use in prison.

Vera Institute of Justice Vice President, Kevin Keenan supports this bill citing several major challenges in restricting solitary confinement, including the ability of systems to call it by different names and change definitions and ignore the experience of the impacted person, and unintended consequences related to communication, restraints, accurate data, oversight, and officer wellness.

New Haven, CT, Resident, Stop Solitary CT, Steering Committee Member, Member, and formerly incarcerated individual, Leighton Johnson supports this bill recalling the traumatic experience of five years in solitary confinement and instances of in-cell restraint lasting several days at a time. After 12 years of incarceration, Mr. Johnson received his freedom and was diagnosed with PTSD upon re-entry to society.

West Haven, CT, Resident, Colleen Lord supports this bill stating that her son, Robby Talbot, died while in custody after being assaulted and pepper-sprayed by guards. It is also stated that no criminal charges were brought after the state funded murder of her child.

CT Resident, and currently incarcerated individual, William McKinney supports this bill, recalling the extreme trauma and lifelong psychological impact of prolonged isolation and in-cell restraints for up to 72 hours at a time and being beaten by staff while chained. It is also stated that upon his release he experienced severe trauma and long-term suffering. He can't be in crowded rooms, stand in line with people in back of him, loud noises as he perceived everyone as a threat and felt at any moment that he would be attacked. "Imagine going from extreme isolation to freedom, it's sensory overload." He feels very paranoid and afraid all of the time.

American Civil Liberties Union of Connecticut, Interim Senior Policy Counsel, Kelly McConney Moore supports this bill stating that the goal of our justice system is meant to be rehabilitation, not punishment. It is also stated that one study found that individuals placed in solitary confinement were fourteen times more likely to engage in self-harm, including suicide, than people who had never been subjected to solitary confinement.

Pace University, Elisabeth Haub School of Law, Professor of Law, Michael B. Mushlin supports this bill stating that the absence of witnesses in solitary confinement significantly increases instances of inhumane mistreatment and acts of torture.

Bloomfield, CT, Resident and former DOC employee, Naa Opoku supports this bill stating that, "to work in a prison system where you're taking away the liberties of another person, you have to dehumanize individuals and create distance to justify the work and maintain sanity." It is also stated that, while the living spaces are inhumane due to bugs and mold, "solitary is a different kind of hell. I think individuals are able to maintain this system because they truly do not care. Until it is your brother or sister who becomes psychotic due to only being allowed 1 hour of rec time, no tv, reading materials or socialization, until it is your sister who is stripped naked and forced to be in a cell 23 hours of the day and replay the trauma she has had to endure her whole life (88% of women who are incarcerated are victims of trauma), until it is closer to home people will never care about the individuals that society has discarded."

National Alliance on Mental Illness, Shoreline, Member, Denise Paley supports this bill stating that her son who is severely mentally ill has been kept in isolation for periods exceeding one week while in pretrial confinement at Manson Youth Institute.

One Standard of Justice, Executive Director, Cindy Prizio supports this bill stating that over 95% of people in prisons return to their communities and that the physical and emotional wellbeing of those reentering society is an issue of public health and public safety.

Connecticut Justice Alliance, Justice Advisor, Alona Scott supports this bill, recalling her experience as the child of an incarcerated individual who has suffered due to mental health impacts of prolonged solitary confinement.

New Britain, CT, Resident, and currently incarcerated individual, Darnell Walker supports this bill stating, "I've been short chained on in-cell restraints for up to 17 days. To the point that I didn't even feel like a human."

Mental Health Clinicians Action Network of CT supports this bill stating that the vast majority of those accused or convicted of crimes have experienced trauma in their recent or distant past and that isolation is an inhumane practice that creates new trauma experiences while exacerbating existing trauma, including flashbacks, feelings of terror, deep loneliness, and other signs of distress. It is also stated that human beings cannot be rehabilitated while isolated as rehabilitation requires human interaction and support.

Yale Law School, Arthur Liman Center for Public Interest Law supports this bill stating that the ban on putting individuals into extreme isolation reflects growing national consensus, supported by many people in detention, their families and advocates, medical and mental health professionals, corrections officials, policy makers, and scholars on these issues. It is also stated that evidence shows that isolation in prison imposes grave harms and should be limited to the greatest extent possible and fully abolished for most inmates.

Yale Law School, Lowenstein International Human Rights Clinic supports this bill citing research findings that the DOC held individuals in unrelenting isolation for months, and in many cases years. It is also stated that international human rights norms prohibit imposition of restraints for punitive purposes.

The following residents and organizations support this bill. Many mentioned over 150 years of research in psychiatry, psychology, criminology, anthropology, and epidemiology which indisputably documents the severe and often irreparable harm of solitary confinement and isolation.

Norwalk, CT, Resident Zoey Altis

CT, Resident, Anonymous

Wesleyan Democrats, Middletown Community Director, Emma Bella Bass-Lawrence

Yale College Democrats, Member, Michaela Bauman

New Haven, CT, Resident, Ilyana Benjelloun

Black and Brown United in Action

New Haven, CT, Resident, Ivana Bozic

Ridgefield, CT, Resident, Catherine Bradley

North Haven, CT, Resident, Jennifer Brubacher

Wilton, CT, Resident, Donald K. Buxton

New Haven, CT, Resident, Kai Amir Cedeño

Wethersfield, CT, Resident, Debra Cohen

Chester, CT, Resident, Marta Daniels

New Haven, CT, Resident, Kristen Estabrook

New Haven, CT, Resident, Barbara Fair

CT Legal Rights Project, Inc., Executive Director, Kathleen Flaherty, Esq.

CT Justice Alliance, Justice Advisor, Fernecia Smith

Katal Center for Equity, Health, and Justice, Member, Taylor Ford

Hamden, CT, Resident, Ann Froines

New Haven, CT, Resident, Stop Solitary CT, Steering Committee Member, Joseph Gaylin

Southern Connecticut State University College Democrats, President, Justin Gendron

Stop Solitary CT, Steering Committee Member, and New Haven, CT, Resident, Robert J. Gillis

Waterbury, CT, Resident, and currently incarcerated individual, Jason Goode

Connecticut Justice Alliance, Justice Advisor, Sage Grady
New Haven, CT, Resident, Yale Dems Member, Joshua Guo
New Haven, CT, Resident, Theo Haaks
New Haven, CT, Resident, Margaret Hankins
Wilton, CT, Resident, Pamela Hovland
New Haven, CT, Resident, Dr. Benjamin Howell
New Haven, CT, Resident, and Congregations Organized for a New Connecticut, Co-Chair of
Criminal Justice Reform Team, Asti Jackson, Dr.
New Haven, CT, Resident, Iman Jaroudi
Yale School of Medicine, Associate Professor, Reena Kapoor, MD
Avon, CT, Resident, Alex Kawa
Norwalk, CT, Resident, and Wilton Quaker Meeting, Member, Diane Keefe
Hurricane, West Virginia, Resident, Marilyn Kegley, MA, ED
Quinnipiac University, School of Health Sciences, Associate Professor of Social Work, Amber
Kelly, PhD, MSW, LCSW
Hamden, CT, Resident, Phil Kent
New Haven, CT, Resident, Andrew Kornfeld
New Haven, CT, Resident, Eliza Kravitz
Connecticut Cross Disability Lifespan Alliance, Steering Committee, Member, Mary Ann
Langton
Forensic and Prison Psychiatrist, Bandy Lee
New Haven, CT, Resident, Shannon Leslie
New Haven, CT, Resident, Eric Linh
Madison, CT, Residents, Maureen and Dwight Lopes
New Haven, CT, Resident, Annabella Lugo
Unidad Latina en Accion, Member, John Lugo
Milford, CT, Resident, Claudia Macri
Hamden, CT, Resident, Taylor Martin
New Haven, CT, Resident, Marcus McKee
New Haven, CT, Resident, Sarah McKinnis
New Haven, Ct, Resident, Judy Meikle
American University, Professor on Human Rights Law in Residence, Juan E. Mendez
Bloomfield, CT, Resident, Tollie Miller
Roxbury, CT, Resident, Margaret Miner
Wallingford, CT, Resident, Mary Morgan Wolff
Southern New England Conference United Church of Christ, Legislative Advocate, Michele
Mudrick
Connecticut Alliance to End Sexual Violence, Director of Policy and Public Relations, Lucy
Nolan
Bridgeport, CT Resident, Ilana Ofgang
Milford, CT, Resident, Kris Oser
Hartford, CT, Resident, Marcelina Padilla
Bloomfield, CT, Resident, Linda Pagani
Newtown, Ct, Resident, Chip Parrish
Stamford, CT, Resident, Deborah Pauls, LSCW
Somers, CT, Resident, Bradley Pellissier
Katal Center for Equity, Health, and Justice, Member, Imani Sharrif Pennant
Waterford, CT, Resident, Ann Perrott, Rev.
New Haven, CT, Resident, Rev. Allie Perry

Katal Center for Equity, Health, and Justice, Member, Nancy Peters
Yale School of Medicine, Assistant Professor, Lisa Puglisi
Connecticut Justice Alliance, Executive Director, Christina Quaranta
CT Resident, and currently incarcerated individual, Tony Randolph
Somers, CT, Resident, David M. Reed
Fairfield, CT, Resident, Wesleyan Democrats, Co-chair, Eli Roche
New Haven, CT, Resident, and currently incarcerated individual, Victor Rodriguez
Connecticut Justice Alliance, Justice Advisor, Gemini Rorie
Woodbridge, CT, Resident, Alana Rosenberg
Quinnipiac School of Law, Professor of Law, Linda Ross Meyer
Trumbull, CT, Resident, Nanee Sajeev
Hartford, CT, Resident, Mary L. Sanders
Michigan Resident, Professor of Law, Margo Schlanger
Branford, CT, Resident, Penelope Schlesinger
Torrington, CT, Resident, Maggie Schnyer
Middletown, CT, Resident, Wesleyan Democrats, Policy Director, Reed Schwartz
Service Employees International Union, District 1199, New England
Connecticut Voices for Children, Chief of Staff, Sana Shah
New Have, CT, Resident, Molly Shapiro
Collaborative Resolutions Services, INC, representative, John A. Shuford MBA, Eds
Fairfield, CT, Resident, Rita Skog
New Haven. CT. Resident, Kebra Smith Bolden, RN
New Haven, CT, Resident, Randall States, PE
New Haven, CT, Resident, Abby Steckel
Middletown, CT, Resident, Lisa Stein
New Haven, CT, Resident, and currently incarcerated individual, Joseph Stewart
New Haven, CT, Resident, Carl Testa
Hamden, CT, Resident, Melinda Tuhus
New Haven, CT, Resident, Caroline Twyman
CT Resident and currently incarcerated individual, Carlton Wallace
New Haven, CT, Resident, Olivia Walker
South Windsor, CT, Resident and Restorative Action Alliance, President, Jason Wasserman
National Alliance on Mental Illness, Executive Director, Lisa Winjum, JD
Middletown, CT, Resident, Simon Worth
Yale Undergraduate Prison Project
New Haven, CT, Resident, Andy Zhao
New Haven, CT, Resident, Mirilla Zhu

NATURE AND SOURCES OF OPPOSITION:

Council 4 AFSCME, Corrections Locals 387, 391, 1565, Staff Member, Steve Carbone opposes this bill stating that it will put staff and inmate safety at risk. It is also stated that correctional staff have yet to be trained by the new standards outlined in the Police Accountability Bill and that members do not understand what is meant by “unreasonable” use of force.

Reported by: Rose Hirschl

Date: April 29 2021

