March 24, 2022

Dear Members of the Judiciary Committee:

I want to thank you for the opportunity to speak on SB 459. My name is Deborah Dorfman, I am the Executive Director of Disability Rights Connecticut (DRCT), the independent non-profit designated as the protection and advocacy system in Connecticut. I have been a disability rights attorney for decades, practicing across the country, including on behalf of incarcerated people with disabilities. DRCT is the plaintiff in a lawsuit against the Department of Correction (DOC) that is currently pending in the District of Connecticut that seeks to address discriminatory and abusive treatment of people with mental health disabilities kept in isolative status. I am here today to provide educational information on several aspects of SB 459 that could have an impact on people with disabilities in DOC’s custody.

One impact on incarcerated people with disabilities, particularly those with mental health disabilities, is that SB 459 places statutory limits on the use of isolated confinement. Research has shown that isolation has detrimental effects on the human psyche, and the effects can be particularly profound for those living with mental health disabilities. SB 459 provides for both a medical and mental health evaluation of those kept in isolated confinement within 24 hours and regular monitoring of a person’s well-being, which can help protect against some of the deleterious effects of isolation; similarly, providing access to reading materials, paper, writing implements, and at least two hours out of cell can help protect against such harmful effects. It could be more beneficial for those in isolation with mental health disabilities if the daily check-in from a mental health therapist was done privately and confidentially, as sometimes such check-ins happen cell side within earshot of other incarcerated people and correctional staff.

SB 459 could benefit people with disabilities who are subjected to isolated confinement, because it requires DOC to report on the presence of people with serious mental illness and/or developmental and intellectual disabilities in isolated confinement. SB 459 also requires monthly reporting on the use of force, such as full stationary restraints, in-cell restraints, and therapeutic restraints, which can benefit people with disabilities by tracking and reporting on the frequency with which such restraints are used on them. If such monthly reporting also included reports on the different types of restraints used on people with serious mental illness, developmental, intellectual, and physical disabilities, and on those under the age of 18 whose brains are still developing, it could be helpful to people with disabilities by helping inform treatment and service needs. The experiences of correctional departments in other states, such as Washington, has shown that a reduction in the use of force and use of isolation resulted in a reduction of violent incidents both between incarcerated people and against correctional staff, which could help create a safer environment for incarcerated people with disabilities and correctional staff.

SB 459 establishes a Commission for Correctional Oversight charged with, among other duties, evaluating the delivery of services of incarcerated persons, conducting on-site random visits, establishing a system to receive concerns and recommendations from people in custody, and report areas of immediate concern, including serious individual circumstances. The establishment of this Commission and its duties could be an incredibly positive impact for people with disabilities who are incarcerated.
• An outside evaluation of the delivery of services could help ensure people with disabilities who are incarcerated are provided with services that are necessary to meet their disability related needs. DRCT has received reports of incarcerated people with hearing disabilities who have been without hearing aids for months on end because of delays in the service delivery system, effectively isolating them and impeding their ability to physically hear and respond to commands from correctional staff.

• Conducting on-site random visits as an outside third party can help ensure people with disabilities are not subjected to inhabitable and dangerous conditions such as lack of heat, cold showers for weeks, and unsanitary conditions.

• People with disabilities who are incarcerated could benefit substantially from an independent agency that can receive their concerns and recommendations. While DOC does have an administrative grievance system, it can be incredibly inaccessible to those with print disabilities, including people with learning disabilities, mental health disabilities, intellectual disabilities, traumatic brain injuries, vision impairments, physical impairments, and those who are multiply disabled. An outside agency able to receive and respond to concerns of incarcerated people with disabilities could serve such a function in a manner that does not require the person with a disability to secure the accommodations they need to remove accessibility barriers before beginning to seek a response to their concerns.

• An outside entity permitted to learn of and report to DOC areas of immediate concern would be incredibly helpful to people with disabilities, particularly those with mental health disabilities, intellectual disabilities, traumatic brain injuries, and those with disabilities that can create acute health care needs. For example, the protection and advocacy system in Connecticut has received confidential complaints from people with mental health disabilities who are experiencing depression, suicidal desires, and who self-harm, as well as confidential complaints from people with diabetes and pulmonary conditions who have had acute care needs they feel are not being adequately or promptly addressed.

SB 459 also provides that all communications with the Commission remain confidential. This is incredibly helpful for people with disabilities, as research suggests that abuse of people with disabilities often goes unreported and unrecognized. Creating an entity that can confidentially receive extraordinarily sensitive and personal information, documents, and reports, can remove some of the fear that comes along with sharing information that may require an immediate response, such as allegations of sexual abuse of incarcerated individuals.

Thank you for your time and attention to this important matter.

Sincerely,

/s/ Deborah A. Dorfman

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