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**Written Testimony Supporting Senate Bill 458, An Act Concerning
Substance Use Disorder Services and Mental Health Services to
Individuals Who Are Incarcerated**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am testifying in strong support of Senate Bill 458, An Act Concerning Substance Use Disorder Services and Mental Health Services to Individuals Who Are Incarcerated.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. Even before the COVID-19 pandemic began to spread inside the Connecticut Department of Correction (DOC), Connecticut's prisons and jails were not healthy places. In January 2020, 72 people were held at Northern Correctional Institution¹ in conditions that were deemed literally torture by a United Nations Special Rapporteur.² DOC had been dealing with epidemic levels of Hepatitis C³ and HIV/AIDS for years.⁴ But when COVID-19 hit, DOC prisons and jails hit an entirely new level of unhealthy. Over the course of the pandemic to date, nineteen people have

¹ *Average Confined Inmate Population and Legal Status*, CONN. DEP'T CORRECTION RES. UNIT (Feb. 2020), available at <https://portal.ct.gov/-/media/DOC/Pdf/MonthlyStat/Stat02012020.pdf>.

² *United States: Prolonged Solitary Confinement Amounts to Psychological Torture*, UNITED NATIONS HUMAN RIGHTS, OFFICE OF THE HIGH COMMISSIONER, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25633&LangID=E>.

³ See Keith M. Phaneuf & Kelan Lyons, *Correction Department to Begin Testing, Treating Inmates for Hepatitis C*, CT MIRROR (Aug. 13, 2019), available at <https://ctmirror.org/2019/08/13/correction-department-to-begin-testing-treating-inmates-for-hepatitis-c/>.

⁴ See Kelan Lyons, *Elderly Prisoners in Connecticut Vulnerable to Potential Coronavirus Outbreak*, CT MIRROR, (Mar. 11, 2020), available at <https://ctmirror.org/2019/08/13/correction-department-to-begin-testing-treating-inmates-for-hepatitis-c/>.

died after becoming infected in DOC custody,⁵ while a total of 4,249 people were infected.⁶ At one point, the DOC had a higher infection rate than any municipality in Connecticut.⁷

This is compounded by the lack of access to meaningful mental health care in our prison system. At the same time, our prisons still subject people to solitary confinement. People in solitary confinement are vulnerable to damaging psychological effects of isolation, including extreme loneliness, anxiety, paranoia, and depression, among other potentially debilitating emotional and psychological problems.⁸ In consequence, one study found that people 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.⁹ Additionally, solitary confinement has been found to constitute cruel and unusual punishment, directly violating the Eighth Amendment to the U.S. Constitution.¹⁰ A special rapporteur to the United Nations has declared that the form of solitary confinement practiced in Northern Correctional Institution in Connecticut is, indeed, torture.¹¹ DOC is more likely to punish people of color with solitary confinement relative to the overall incarcerated population.¹² In fact, in 2019, Connecticut was the absolute worst state in the nation for disproportionately assigning Black men to

⁵ *Health Information and Advisories: Coronavirus Inform [sic]*, CONN. DEP'T CORRECTION (Mar. 19, 2021), available at <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Health-Information-andAdvisories>.

⁶ *Id.*

⁷ David McGuire & Melvin Medina, *If CT Prisons and Jails Were a Town, They'd Have the Highest COVID-19 Infection Rate in the State*, ACLU OF CONN. (Apr. 21, 2020), available at <https://www.acluct.org/en/news/ifct-prisons-and-jails-were-town-theyd-have-highest-covid-19-infection-rate-state>.

⁸ See, e.g., Sadie Dingfelder, *Psychologist Testifies on the Risks of Solitary Confinement*, AM. PSYCHOL. ASS'N (Oct. 2012), available at <https://www.apa.org/monitor/2012/10/solitary>.

⁹ Fatos Kaba et al, *Solitary Confinement and Risk of Self-Harm Among Jail Inmates*, 104 AM. J. PUB. HEALTH 442 (2014), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3953781/>.

¹⁰ See, e.g., *Madrid v. Gomez*, 889 F. Supp. 1146, 1264 (N.D. Cal 1995).

¹¹ *United States: Prolonged Solitary Confinement Amounts to Psychological Torture, Says UN Expert*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER (Feb. 28, 2020), available at <https://www.ohchr.org/en/press-releases/2020/02/united-states-prolonged-solitary-confinement-amounts-psychological-torture>.

¹² *Time-in-Cell 2019: A Snapshot of Restrictive Housing*, CORRECTIONAL LEADERS ASS'N & ARTHUR LIMAN CENTER FOR PUB. INTEREST L. AT YALE L. SCH., at Fig. 11 (Sept. 2020), available at https://law.yale.edu/sites/default/files/area/center/liman/document/time-in-cell_2019.pdf.

solitary confinement.¹³ In 2021, 43 percent of Connecticut's prison population was Black, compared to just 12 percent of the state's population.¹⁴

In the era of mass incarceration, prisons are unfortunately on the frontlines of mental health and substance use disorder crises, but many prisons are not providing even the most basic medical care. The conditions that we subject people to in our state's prisons are inhumane and likely to make existing mental health conditions worse. One study found that about 26 percent of people in prisons have been diagnosed with a mental health condition at some point in their lifetime.¹⁵ Even more horrifying, 50 percent of people who were taking medication for their mental health conditions did not receive any pharmacotherapy in prison.¹⁶ The sudden deprivation of psychotropic drugs can have devastating effects on a person. Another study found that 54 percent of adults who cease taking psychotropic medications, either abruptly or with gradual tapering, will experience withdrawal reactions.¹⁷ Withdrawal from these medications can produce psychiatric symptoms, either triggering similar mental health episodes that the person has experienced in the past or triggering an entirely new episode of mental illness.¹⁸

At the same time, access to substance abuse treatment in our prison systems is abysmal. About one quarter of people in American prisons have opioid use disorder.¹⁹ Rather than helping people recover, prisons fuel the opioid epidemic by forcing

¹³ *Id.*

¹⁴ Kelan Lyons, *Spurred by Executive Order, Prison System Starts Revising Solitary Confinement Policies*, CT Mirror (Oct. 26, 2021), available at <https://ctmirror.org/2021/10/26/spurred-by-executive-order-prison-system-starts-revising-solitary-confinement-policies/>.

¹⁵ Jennifer M. Reingle Gonzalez & Nadine M. Connell, *Mental Health of Prisoners: Identifying Barriers to Mental Health Treatment and Medication Continuity*, 104 AM. J. PUB. HEALTH 2328 (2014), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232131/>.

¹⁶ *Id.*

¹⁷ F. Cosci & G. Chouinard, *Acute and Persistent Withdrawal Syndromes Following Discontinuation of Psychotropic Medications*, 2020 PSYCHOTHERAPY & PSYCHOSOMATICS 283 (2020), available at <https://www.karger.com/Article/Fulltext/506868#:~:text=Withdrawal%20from%20psychotropic%20medications%20can,the%20original%20illness%20%5B10%5D>.

¹⁸ *Id.*

¹⁹ *Over-Jailed and Un-Treated*, ACLU (2020), available at https://www.aclu.org/sites/default/files/field_document/20210625-mat-prison_1.pdf.

thousands of people off their addiction treatment medications, such as methadone and buprenorphine.²⁰ Withdrawal can be deadly: over 10 percent of jail deaths are attributed to drug or alcohol intoxication, on the rise from 4 percent in 2000.²¹ Medication for addiction treatment can reduce the risk of death from any cause by 85 percent and the risk of death from an overdose by 75 percent in the weeks following release.²² Yet, overwhelmingly, our prison system takes away these life-saving treatments from people who are in need of help and support.

Senate Bill 458 is a good step in ensuring that people incarcerated in this state have access to mental health services and substance use disorder treatment services while they are in prison. But, the ACLU-CT urges this Committee to go further and pass legislation to end conditions likely to detrimentally harm a person's mental health, like solitary confinement. The ACLU-CT enthusiastically supports Senate Bill 458 and encourages this Committee to do the same.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*