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**Written Testimony Supporting Senate Bill 459, An Act Concerning the Commission for Correctional Oversight, the Use of Isolated Confinement, Seclusion, Restraints, Strip Searches, Social Contacts for Incarcerated Persons, Transparency for Conditions of Incarceration and Correctional Officer Training**

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 submitting this testimony in support of Senate Bill 459, An Act Concerning the Commission for Correctional Oversight, the Use of Isolated Confinement, Seclusion, Restraints, Strip Searches, Social Contacts for Incarcerated Persons, Transparency for Conditions of Incarceration and Correctional Officer Training, also known as the PROTECT Act.

The goal of the criminal legal system should be rehabilitation, not punishment. Solitary confinement can irreparably harm people. 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.<sup>1</sup> 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.<sup>2</sup> Additionally, solitary confinement has been found to constitute cruel and unusual punishment, directly violating the Eight Amendment to the U.S. Constitution.<sup>3</sup> A

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<sup>1</sup> 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>.

<sup>2</sup> 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/>.

<sup>3</sup> See, e.g., *Madrid v. Gomez*, 889 F. Supp. 1146, 1264 (N.D. Cal 1995).

special rapporteur to the United Nations has declared that the form of solitary confinement practiced in Northern Correctional Institution in Connecticut is, indeed, torture.<sup>4</sup>

In addition to mental health implications and constitutional concerns regarding solitary confinement, the practice disproportionately hurts people of color. In Connecticut, the DOC is more likely to punish people of color with solitary confinement relative to the overall incarcerated population.<sup>5</sup> In fact, in 2019, Connecticut was the absolute worst state in the nation for disproportionately assigning Black men to solitary confinement.<sup>6</sup> In 2021, 43 percent of Connecticut's prison population was Black, compared to just 12 percent of the state's population.<sup>7</sup>

The PROTECT Act is critical to ending these harmful practices and other unnecessary, harmful, and punitive methods – like abusive restraints – used in the Connecticut Department of Correction. By ending extreme isolation, all the harms listed above, including racial disparities, can be avoided. Pro-social guarantees with respect to correspondence and visitation will give people harmed by isolation, and the threat of it, important outlets and community ties, measures deeply linked to success after incarceration.<sup>8</sup> By promoting the wellness of correctional officers, the PROTECT Act works to ensure that the people who have worked in harmful systems have the resources they need to stop perpetuating the cycle of abuse. And by requiring data collection, accountability, and oversight, the PROTECT Act contains strong measures

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<sup>4</sup> *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>.

<sup>5</sup> *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](https://law.yale.edu/sites/default/files/area/center/liman/document/time-in-cell_2019.pdf).

<sup>6</sup> *Id.*

<sup>7</sup> 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/>.

<sup>8</sup> See Alex Friedmann, *Lowering Recidivism Through Family Communication*, PRISON LEGAL NEWS (Apr. 15, 2014), available at <https://www.prisonlegalnews.org/news/2014/apr/15/lowering-recidivism-through-familycommunication/>.

to ensure that segregation and solitary confinement are not just brushed under the rug, reformulated, or rebranded. The ACLU-CT supports Senate Bill 459, and strongly urges this Committee to support Senate Bill 459 as well.