



765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Supporting Senate Bill 448, An Act Concerning the Delivery of Health Care and Mental Health Care Services to Inmates of Correctional Institutions

Senator Anwar, Representative Steinberg, Ranking Members Somers, Hwang, and Petit, and distinguished members of the Public Health 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 written testimony in strong support of Senate Bill 448, An Act Concerning the Delivery of Health Care and Mental Health Care Services to Inmates of Correctional Institutions.

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. From the earliest days of the COVID-19 pandemic, the ACLU-CT has fought to get vulnerable people access to medical care and released from incarceration with the Connecticut Department of Correction (DOC) jails and prisons.¹ Those efforts, though, went unheeded and both the DOC and the Governor failed to take steps that were within their existing powers² to preserve the lives of people with dangerous co-morbidities, pre-existing conditions, and vulnerabilities.³

Connecticut is the only state where the DOC oversees and operates its own system. DOC's abject failure to prevent the spread of COVID-19 in prisons further exposed

¹ See, e.g., *ACLU of Connecticut Urges State Officials to Use Existing Powers to Release People Awaiting Trial, Certain Other Incarcerated People During COVID-19 Pandemic*, ACLU CONN. (Mar. 12, 2020), available at <https://www.acluct.org/en/press-releases/aclu-connecticut-urges-state-officials-use-existing-powers-release-people-awaiting>.

² *Id.*

³ See, e.g., Kelan Lyons, *CT Hasn't Commuted a Single Prisoner's Sentence Since Before the Pandemic. Advocates Say It's Time to Change*, CT MIRROR (Nov. 30, 2020), available at <https://ctmirror.org/2020/11/30/ct-hasnt-commuted-a-single-prisoners-sentencesince-before-the-pandemic-advocates-say-its-time-to-change/>.

the department's general inability to provide quality medical care to people incarcerated in Connecticut's prisons.⁴ Access to healthcare for incarcerated people is a constitutional right under the Eighth Amendment, extended to the states by the Fourteenth Amendment.⁵ But the quality of care for incarcerated individuals in Connecticut has been abysmal, contributing to poor health outcomes for incarcerated individuals and returning citizens. Connecticut has paid out millions of dollars in lawsuits stemming from medical negligence and malpractice with the DOC.⁶ At the same time, DOC has failed to maintain an adequate number of medical staff to ensure that people get quality, individualized care. In March 2019, the DOC reported a ratio of one nurse on staff for every 43 prisoners and one doctor on staff for every 579 prisoners according to the Office of Fiscal Analysis.⁷

Senate Bill 448 represents a beginning step towards providing improved health care for incarcerated people, but the bill can be further strengthened in a number of ways. First, the bill can improve accountability by establishing a commission to oversee DOC health care processes and to review health and morbidity reports, comprised of a mixed group of stakeholders with a vested interest that includes justice-impacted people. Second, the bill should require fair ratios for healthcare workers, including dentists, physicians, and licensed clinical staff. Third, the bill should ensure that isolated confinement is not used as a treatment for chronic disease management,

⁴ See, e.g., Roni Caryn Rabin, *Vulnerable Inmates Left in Prison as Covid Rages*, N.Y. TIMES (July 19, 2021), available at <https://www.nytimes.com/2021/02/27/health/coronavirus-prisons-danbury.html>; Kelan Lyons, *State Response to COVID-19 Prison Lawsuit Sheds Light on Its Pandemic Plans For Sick Inmates*, CT MIRROR (Apr. 8, 2020), available at <https://ctmirror.org/2020/04/08/state-response-to-covid-19-prison-lawsuit-sheds-light-on-its-pandemic-plans-for-sick-inmates/>; Angela Fortuna, *Settlement Reached in Federal Lawsuit About Conditions in Connecticut Prisons During COVID-19*, NBC CONN. (Mar. 29, 2021 at 2:49 PM), available at <https://www.nbcconnecticut.com/news/local/settlement-reached-in-federal-lawsuit-about-conditions-in-conn-prisons-during-covid-19/2284176/>.

⁵ See *Estelle v. Gamble*, 429 U.S. 97, 103 S. Ct. 285 (1976) (finding that delayed medical treatment as punishment was violative of the Eighth amendment if they are incompatible with “the evolving standards of decency that mark the progress of a maturing society” or “involve the unnecessary and wanton infliction of pain.”).

⁶ Angela Fortuna, *Settlement Reached in Federal Lawsuit About Conditions in Connecticut Prisons During COVID-19*, NBC CONN. (Mar. 29, 2021 at 2:49 PM), available at <https://www.nbcconnecticut.com/news/local/settlement-reached-in-federal-lawsuit-about-conditions-in-conn-prisons-during-covid-19/2284176/>.

⁷ *Appropriations Subcommittee Work Session 03/26/2019*, CONN. DEP'T CORRECTIONS (Mar. 26, 2019), available at <https://assets.documentcloud.org/documents/6178958/DOC-appropriations-subcommittee-03-26-19.pdf>.

epidemic management, and mental health management. Fourth, opioid and alcohol withdrawal must be included in Section 4(b)'s requirement for withdrawal monitoring.

The ACLU-CT strongly supports measures that improve access to quality health care for people incarcerated in Connecticut's prisons. Given the DOC's failure to provide adequate care, both during and before the pandemic, Senate Bill 448 is vital in this effort. As such, the ACLU-CT urges this Committee to support Senate Bill 448 and consider our additional recommendations to improve outcomes for incarcerated individuals, DOC health care workers, and returning citizens.