



Legislative Testimony
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Written Testimony Supporting Senate Bill 957, An Act Concerning the Oversight of Health Care in Correctional Institutions by the Department of Public Health

Senator Anwar, Representative McCarthy-Vahey, Ranking Members Somers and Klarides Ditria, 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 writing to testify in support of Senate Bill 957, An Act Concerning the Oversight of Health Care in Correctional Institutions by the Department of Public Health.

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. Connecticut is the only state where the Department of Correction (DOC) oversees and operates its own system. Last year, the Public Health Committee sought to set forth actions to address Connecticut's failing healthcare system in prisons through Public Act 22-133. But it is imperative to follow last session's momentum and implement the regulation and oversight of the Department of Correction's healthcare system.

From the earliest days of the COVID-19 pandemic, the ACLU-CT has fought to get vulnerable incarcerated people access to medical care and released from DOC jails and prisons.¹ Those efforts, though, went unheeded as both the DOC and the

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>.

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 DOC's abject failure to prevent the spread of COVID-19 in prisons further exposed 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 people in Connecticut has been abysmal, contributing to poor health outcomes for incarcerated people and returning citizens. One study estimated that each year in prison takes two years off a person's life expectancy.⁶ Mass incarceration disproportionately hurts Black and brown communities: six cities are home to more than half of the state's incarcerated population but make up only 17 percent of the state's total population.⁷ And we already know that life expectancy in Connecticut varies dramatically by community: the average life expectancy in the state is 78.4 years old, but a person's life expectancy in Northeast Hartford drops sharply to 68.9 years.⁸ Just one town over, in West Hartford, a person's life

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/>.

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), <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), <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 Emily Widra, *Incarceration Shortens Life Expectancy*, PRISON POL'Y INITIATIVE (June 26, 2017), https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/.

⁷ Emily Widra, et al., *Where People in Prison Come From: The Geography of Mass Incarceration in Connecticut*, PRISON POL'Y INITIATIVE (Oct. 2022), <https://www.prisonpolicy.org/origin/ct/2020/report.html>.

⁸ *Dear Connecticut Residents: Your Neighborhood Might Determine How Long You'll Live*, CT Health (Sept. 13, 2018), <https://www.cthealth.org/latest-news/blog-posts/dear-connecticut-residents-your-neighborhood-really-does-determine-how-long-youll-live/#:~:text=In%20Northeast%20Hartford%2C%20the%20life,tops%20that%2C%20at%2084.6%20years>.

expectancy is 84.6 years.⁹ Connecticut has paid out millions of dollars in lawsuits stemming from medical negligence and malpractice with the DOC.¹⁰ 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.¹¹

Senate Bill 957 represents a beginning step towards providing improved healthcare for incarcerated people, but the bill can be further strengthened in a number of ways. For example, this bill should establish a regulating body and oversight process for the Department of Corrections healthcare system through the Department of Public Health in combination with the standards and accreditation provided by the National Commission on Correctional Healthcare. A Correctional Health Review Board should be created to receive reports on health outcomes for incarcerated people and returning citizens, healthcare staffing reports, health-related incident reports, and to provide policy and procedure recommendations. This board must be comprised of a mixed group of stakeholders, including but not limited to OBGYNs, infectious disease specialists, endocrinologists, dentists, mental health and substance abuse experts, along with a vested interest that includes justice-impacted people.

The ACLU-CT strongly supports measures that improve access to quality healthcare for people incarcerated in Connecticut's prisons. Given the DOC's failure to provide adequate care, both during and before the pandemic, Senate Bill 957 is vital in this effort. As such, the ACLU-CT urges this Committee to support Senate Bill 957 and consider our additional recommendations to improve outcomes for incarcerated individuals, DOC health care workers, and returning citizens.

⁹ *Id.*

¹⁰ Angela Fortuna, *Settlement Reached in Federal Lawsuit About Conditions in Connecticut Prisons During COVID-19*, NBC CONN. (Mar. 29, 2021 at 2:49 PM), <https://www.nbcconnecticut.com/news/local/settlement-reached-in-federal-lawsuit-about-conditions-in-conn-prisons-during-covid-19/2284176/>.

¹¹ *Appropriations Subcommittee Work Session 03/26/2019*, CONN. DEPT' CORRECTIONS (Mar. 26, 2019), available at <https://assets.documentcloud.org/documents/6178958/DOC-appropriations-subcommittee-03-26-19.pdf>.

