



# Allard K. Lowenstein International Human Rights Clinic

June 16th, 2021

Hon. Ned Lamont  
Governor of Connecticut  
Connecticut State Capitol  
Hartford, Connecticut

Dear Governor Lamont:

As faculty at Yale Law School, Yale School of Medicine, Yale School of Public Health, Yale School of Management, Yale School of the Environment, the Yale Graduate School of Arts and Sciences, the Yale Divinity School and Yale College, we strongly urge you to sign Senate Bill 1059.<sup>1</sup> This legislation will restrict the use of solitary confinement and create independent oversight. At the bill's public hearing earlier this legislative session before the Judiciary Committee, numerous medical, legal, correctional, and policy experts testified to the necessity and appropriateness of S.B. 1059. The unequivocal consensus was that solitary confinement is extraordinarily cruel and counterproductive and must be restricted to ensure basic human rights.

S.B. 1059 brings necessary changes that are long overdue. The hardening of Connecticut's prisons - including their reliance on solitary confinement - was part-and-parcel of 1980s "tough-on-crime" policies that led to mass incarceration and devastated this state's Black and Brown communities. Over the last decade, Connecticut has taken commendable steps to undo that terrible legacy by bringing greater transparency and accountability to policing, decreasing its prison population, and increasing opportunities for people upon return to the community.

Unfortunately, that progress has stopped short at the prison walls. As documented by Yale Law School's Allard K. Lowenstein International Human Rights Clinic, as a matter of policy and practice, Connecticut routinely resorts to extreme isolation as well as the barbaric practice of punitively chaining people in locked cells for hours and even days on end.<sup>2</sup> Those findings led the U.N. Special Rapporteur on Torture to conclude that Connecticut engages in what appears to be "a State-sanctioned policy aimed at purposefully inflicting severe pain or suffering" that "may well amount to torture."<sup>3</sup> Moreover, the racial disparities that characterize Connecticut's criminal justice system are magnified in solitary confinement: according to the state's own data,

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<sup>1</sup> The undersigned faculty write in their individual capacities; their titles are for identification purposes only. The views expressed in this letter do not necessarily reflect the position of Yale University.

<sup>2</sup> Letter from the Allard K. Lowenstein Int'l Human Rights Clinic, Yale Law Sch. to Nils Melzer, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treating or Punishment, Office of the High Cmm'r of Human Rights, United Nations (May 14, 2019), [https://law.yale.edu/sites/default/files/area/clinic/document/2019-05-14\\_lowenstein\\_clinic\\_un\\_special\\_rapporteur\\_final\\_submission\\_to\\_post.pdf](https://law.yale.edu/sites/default/files/area/clinic/document/2019-05-14_lowenstein_clinic_un_special_rapporteur_final_submission_to_post.pdf).

<sup>3</sup> Nils Melzer (Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment), *United States: Prolonged Solitary Confinement Amounts to Psychological Torture, Says UN Expert*, Office of the High Cmm'r of Human Rights, United Nations (Feb. 28, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25633>.

nearly 90% of individuals held in long-term isolation are people of color.<sup>4</sup> Against that backdrop, the fact that Connecticut disbanded its Corrections Ombuds in 2009 and has no independent oversight mechanism is both striking and deeply troubling.

S.B. 1059 promises to improve safety for incarcerated people and staff alike, as well as for the public at large. As evidenced by similar measures in other states, increasing time out of cell does not jeopardize safety. To the contrary, when the use of solitary confinement is restricted, the results are overwhelmingly positive: Violence decreases in correctional facilities, resources can be redirected to pro-social rehabilitation, and the rate of recidivism and community revictimization declines.<sup>5</sup> We also note that S.B. 1059 affords the Department of Correction ample time and discretion to implement the bill's requirements so that it may phase in changes, tailor programming to particular populations, and employ evidence-based practices. In short, S.B. 1059 is sound public policy that will drastically improve the lives of people who live and work in prison.

Nearly 150 years ago, Charles Dickens witnessed the use of solitary confinement in Eastern State Penitentiary in Pennsylvania and observed:

"I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers; and in guessing at it myself, and in reasoning from what I have seen written upon their faces, and what to my certain knowledge they feel within, I am only the more convinced that there is a depth of terrible endurance in which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature."

Decades of research now confirm what Charles Dickens intuited: solitary confinement is torture and degrades the humanity of all people who participate, prisoners and staff alike.

Mr. Governor, signing SB 1059 is a career-defining moment. This landmark legislation offers the opportunity for Connecticut to address our shameful history of mass incarceration and to stand alongside our sister states, Massachusetts, New Jersey and New York at the forefront of national dialogues on public safety and race. We urge you to stand on the right side of history.

Sincerely,

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<sup>4</sup> In December 2020, the most recent month for which data is available, 88.59% of individuals in the DOC long-term isolation statuses Administrative Segregation, Security Risk Group, and Special Needs were Black, Hispanic, Asian, or Native American. Connecticut Department of Correction, *Report to the Criminal Justice Policy and Planning Division*, 72-286 (2020). <https://static1.squarespace.com/static/5875389c414fb5ad04c57d9a/t/60c38fb895d72d19c02a9a33/1623429077745/20+CJPP+Report.pdf>

<sup>5</sup> Joel Andrade, Mental Health Units as Alternatives to Segregation, Vera Institute of Justice (June 22, 2017), <https://www.vera.org/blog/addressing-the-overuse-of-segregation-in-u-s-prisons-and-jails/mental-health-units-as-alternatives-to-segregation-it-can-be-done>; Leon Digard et al., Introduction: Lessons from Five U.S. Jail and Prison Systems, Vera Institute of Justice (May 2018), <https://www.vera.org/rethinking-restrictive-housing>; Reducing Placements and Time Spent in Restrictive Housing: Maine Department of Corrections. Vera Institute of Justice, [http://safealternativestosegregation.vera.org/promising\\_practice/restrictive-housing-reform/](http://safealternativestosegregation.vera.org/promising_practice/restrictive-housing-reform/) (last visited Jun. 11, 2021); Bandy Lee & James Gilligan, The Resolve to Stop the Violence Project: transforming an in-house culture of violence through a jail-based programme, 27 J. Pub. Health 149 (2005), <https://doi.org/10.1093/pubmed/fdi018>; James Gilligan & Bandy Lee, The Resolve to Stop the Violence Project: reducing violence in the community through a jail-based initiative, 27 J. Pub. Health 143 (2005), <https://doi.org/10.1093/pubmed/fdi011>.

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