



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Christine Perra Rapillo, Chief Public Defender

Judiciary Committee - March 22, 2021

S. B. 1059, AN ACT CONCERNING THE CORRECTION ACCOUNTABILITY COMMISSION, THE OFFICE OF THE CORRECTION OMBUDS, THE USE OF ISOLATED CONFINEMENT, SECLUSION AND RESTRAINTS, SOCIAL CONTACTS FOR INCARCERATED PERSONS AND TRAINING AND WORKERS' COMPENSATION BENEFITS FOR CORRECTION OFFICERS.

The Office of Chief Public Defender supports *S.B. 1059, An Act Concerning the Correction Accountability Commission, the Office of the Correction Ombuds, the Use Of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Corrections Officers.*

Sections 1 and 2 create a Correction Accountability Commission and a Correction Ombuds. The Ombuds is an expansion of a position that currently works with incarcerated youth. It would provide all incarcerated individuals with access to an independent advocate who would work to ensure that people in the custody of the Department of Corrections are treated humanely and have equitable access to appropriate services. This is critical, since the mission of the Department of Corrections is to rehabilitate individuals and return them to society as safe, productive members. This role appears to be structured in a similar manner as the Office of the Child Advocate. The Office of Chief Public Defender supports expanding the role of the Ombuds and making the service available to everyone in the custody of the Department of Corrections.

Section 3 addresses isolated confinement, seclusion, and restraint. This section provides detailed statutory definitions of types of restraint and confinement to be restricted and specifies the vulnerable populations to be covered by this new legislation. This includes individuals under

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Re: *S. B. 1059, An Act Concerning the Correction Accountability Commission, the Office of the Correction Ombuds, the Use of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Correction Officers*

the age of 21 and those who are pregnant or who have developmental disabilities, serious medical conditions, or a history of psychiatric hospitalization.

This proposal does not eliminate the use of solitary or isolated confinement but would limit the circumstances and the length of time for its use. We believe that the use of isolation as a means of discipline is inhumane and counterproductive to the goal of rehabilitation. The Department of Corrections should work to eliminate the use of solitary confinement and restraints, by providing effective alternatives, and this proposal is a step in the right direction. Under this proposal, the use of isolated confinement will be limited to situations in which there is a serious incident resulting in facility-wide lockdown, an immediate threat of harm to another based on an incarcerated person's recent conduct, or a need to isolate someone for their own safety. The proposal also requires that a person so incarcerated be seen by medical and mental health professionals and that the seclusion be limited to 72 hours. The proposal similarly limits the use of physical restraints except when an inmate is being transported. There are requirements for de-escalation interventions prior to and during any use of restraint or isolation. The data collection requirements relating to restraints, seclusion and other punitive interventions are modified and expanded. Additional training in de-escalation and trauma-informed intervention is also required in this proposal. That will be a critical element towards the elimination of this practice.

The Office of Chief Public Defender also *strongly supports* Section 4, which codifies an incarcerated person's right to social visitation. The proposal provides for at least one 60-minute contact visit per week, indicates that a family member's past criminal history cannot be the sole reason for denying such visitation, and mandates that a person who is incarcerated be provided a hearing if visitation is denied for any reason. This section also provides for people who are incarcerated to receive additional writing materials to send letters and increased access to free telephone calls. This proposal will promote effective reentry into families and communities. Individuals who maintain their connection to supportive friends and loved ones will be more successful in finding stable housing, employment, and treatment when they are done serving their time.

In recent years, the Department of Corrections has focused on their rehabilitative mission and worked to give returning citizens a better chance at successful reentry after incarceration. These are important proposals that will ensure that the Department continues to move towards a more humane system that focuses on improving outcomes for people in custody. The Office of Chief Public Defender urges this Committee to act favorably on this bill.