

A black and white photograph of a prison cell. The cell is made of rough, textured stone or brick walls. In the center, there is a small, arched window with vertical bars. Light streams in from the window, illuminating the interior of the cell. The overall mood is somber and confined.

PROTECTING LIVES
SAVING DOLLARS

THE PROTECT ACT

PROMOTING RESPONSIBLE OVERSIGHT, TREATMENT,
& EFFECTIVE CORRECTIONAL TRANSPARENCY

FEBRUARY 2021

STOP SOLITARY CT

INTRODUCTION

Experts across the nation agree that the economic costs of isolated confinement¹ are significant, during and after an individual's incarceration.² Isolating individuals leads to more violent incidents inside prisons, which results in higher medical and staffing costs; the medical toll of isolated confinement also translates to higher community medical costs. Individuals who are subjected to prolonged isolation are more likely to return to prison and less likely to be released on parole, effectively increasing the prison population and wasting taxpayer dollars.

This report focuses on assessing the financial impact of eliminating prolonged isolation. However, at Stop Solitary CT, we want to be explicit — human life cannot ever be reduced to a dollar value. Torture is torture.



Projected Net Fiscal Impact

Cost savings associated with the PROTECT Act will largely stem from a system-wide reduction in the use of isolated confinement. Isolated confinement, whether in a supermax facility or another prison or jail, is extraordinarily expensive, largely due to costs associated with increased staffing.

The PROTECT Act offers the Department of Correction (DOC) an opportunity to become more cost-efficient. The projected overall savings of the bill would be \$14,536,820 per year. Put simply, this legislation saves lives and saves money. ³

+ \$ 1 4 , 5 3 6 , 8 2 0

Projected Savings

This report conservatively estimates that the PROTECT Act would save Connecticut approximately **\$17,123,308** due to a dramatic reduction in the use of isolation.

Our estimate is extraordinarily conservative because we exclude numerous cost savings that empirically accompany a systemwide reduction in isolated confinement. Some of the auxiliary, cost-positive changes that stem from a reduction in isolation are: a decrease in the total prison population due to a decrease in recidivism, an increase in the number of people paroled, a reduction in lawsuit settlements, and a reduction of in-prison medical costs.

In New York, a report released from the Partnership for Public Good estimated that the HALT Act, legislation similar in structure and scope to the PROTECT Act, would save New York approximately \$132 million annually.⁴

In order to conservatively estimate the fiscal impact of reducing isolation in the DOC, we made a number of important assumptions...

Assumptions Used to Estimate Fiscal Impact of Reduced isolation

First, the PROTECT Act defines isolated confinement as spending more than 16 hours in a cell on any given day. In response to the Liman Center's 2019 "Time in Cell" national survey,⁵ the DOC indicated that, on September 1st, 2019, 403 people were held in their cell for 19 or more hours for at least 15 consecutive days. In the absence of more robust data on isolation, we will use **403** as an absolute minimum number of people currently subjected to prolonged isolation in the DOC.⁶

Second, after the PROTECT Act is passed no one may be placed in prolonged isolation except in emergency situations. For the purposes of our calculations, we assume an **80%** reduction in the use of isolated confinement, which is, again, fairly conservative.⁷

Third, we estimate that the cost of housing someone in prolonged isolation is approximately **two times** as great as housing someone in general population.⁸

Fourth, we estimate the per person cost of incarceration is approximately **\$53,112**.⁹

Minimum people currently isolated	403
Reduction in isolation	80%
Per person cost of incarceration	\$53,112
Per person cost of isolation	\$106,224
Total Savings	\$17,123,308¹⁰

Our projected savings do not include the closure of Northern.

However, savings from Northern must be used to protect incarcerated people, not added to the general fund.

According to the Governor's office, closing Northern Correctional Institution (Northern) will save Connecticut \$12.6 million per year.¹¹ In an effort to produce an analysis that can be tied directly to the PROTECT Act, this report excludes savings from Northern in our final calculations (despite the fact that the PROTECT Act would codify Northern's closure in legislation). However, the Governor's decision to appropriate the \$12.6 million back into the General Fund is incredibly concerning.¹² Given Northern's long history of psychological and physical abuse, the money saved from Northern's closure must be earmarked to protect the lives of incarcerated people.



Projected Costs

The majority of the PROTECT Act will be revenue positive or neutral.

This report expects little to no additional costs associated with reforming data collection and banning the abusive restraints. In fact, banning abusive restraints, particularly chemical restraints, will likely save the State money.

Some provisions will include a price tag:

To *protect social bonds*, we believe the State must guarantee people a minimum number of free letters and visits. This would cost \$956,488.¹³

To promote *correctional officer wellness*, the PROTECT Act extends workers compensation claims for emotional and mental impairments to correctional officers. This would cost \$1,000,000.¹⁴

To ensure effective correctional oversight, the PROTECT Act creates an Office of the Correction Ombuds which would independently and externally monitor the DOC. This would cost \$630,000.¹⁵

Protecting social bonds	\$956,488
C.O. Wellness	\$1,000,000
Correction Ombuds	\$630,000
Total Expenditure	\$2,586,488

The take away

Protecting the lives of people who live and work in prison would save Connecticut approximately **\$14,536,820** each year.¹⁶

The PROTECT Act not only saves lives, but also saves money.



End Notes

- [1]** The PROTECT Act defines “isolated confinement” as “the confinement of an incarcerated person in a correctional facility in a cell, alone or with others, for more than 16 hours per day.” As used in this report, solitary confinement shall refer to isolation for 22 hours or more a day for a time period in excess of 15 consecutive days.
- [2]** ACLU of Texas, *Solitary Failure: Waste, Cost and the Harm of Solitary Confinement in Texas* (2015), available at https://www.aclutx.org/sites/default/files/field_documents/SolitaryReport_2015.pdf.
- [3]** We calculate the fiscal impact for the PROTECT Act by subtracting expected costs from expected savings.
- [4]** Partnership for Public Good, *Save Money, Save Lives: An Analysis of the Fiscal Impact of the HALT Solitary Confinement Act*, (2020), available at <https://ppgbuffalo.org/news-and-events/news/article:12-01-2020-12-00am-new-publication-save-money-save-lives-an-analysis-of-the-fiscal-impact-of-the-halt-solitary-confinement-act/>
- [5]** State of Connecticut Department of Correction Office of the Commissioner, Connecticut Department of Correction Report to the Criminal Justice Policy and Planning Division Pursuant to Public Act No. 17-239, (2019), available at <https://static1.squarespace.com/static/5875389c414fb5ad04c57d9a/t/6026e11e4bfa6e4bb0da94be/1613160745334/2019+DOC+PA+17-239+.pdf>
- [6]** Correctional Leaders Association & Arthur Liman Center for Public Interest Law at Yale Law School, *Time-in-Cell 2019: A Snapshot of Restrictive Housing, Based on a Nationwide Survey of U.S. Prison Systems*,(2020), available at https://law.yale.edu/sites/default/files/area/center/liman/document/time-in-cell_2019.pdf; We are unaware of any data collection that distinguishes time-in-cell from restrictive housing status, and during meetings with Stop Solitary CT the DOC has been unable to provide information about time-in-cell for medium- and high-security prisoners in general population. As such, the 403 statistic provided by DOC is likely based on population counts from particular phases of restrictive housing status. The 403 statistic provided by DOC is also a point-in-time count, meaning 403 is likely only the number of people on a restrictive status on a particular day. We know from the lived experiences of formerly and currently incarcerated people that many individuals in general population are routinely locked in their cells for 20 hours or more a day. Thus, the number of people subjected to isolated confinement is likely much greater than 403.
- [7]** The 80% reduction in the use of isolated confinement is a complex assumption. The PROTECT Act would ban isolated confinement except in extraordinary instances. During emergencies, the DOC could authorize isolation up to a maximum of 72 hours. Given the limitations of existing data, it is impossible to know exactly how significantly the PROTECT Act will reduce isolated confinement. However, in light of the PROTECT Act’s short timeframe for emergency isolation, we feel comfortable estimating a reduction in the use of isolated confinement by at least 80%. Moreover, in jurisdictions that have reduced or eliminated isolated confinement violence has decreased by 70-80%. This decrease in violence would independently reduce the use of isolation.
- [8]** The American Civil Liberties Union, *The Dangerous Overuse of Solitary Confinement in the United States*, (2014), available at https://www.aclu.org/sites/default/files/assets/stop_solitary_briefing_paper_updated_august_2014.pdf; Sal Rodriguez, *Fact Sheet: The High Cost of Solitary Confinement*, (2011) , available at <https://solitarywatch.org/wp-content/uploads/2011/06/fact-sheet-the-high-cost-of-solitary-confinement.pdf>; We calculated the cost ratio of housing someone in isolated confinement versus general population by averaging cost ratios from other States. We were unable to find any independently verifiable data on the precise costs associated with prolonged isolation in the Connecticut DOC, so we averaged numbers from Arizona, California, Maryland, Ohio, Texas, Colorado, and Illinois.

[9] We use the FY19/20 total DOC Expenditure of \$646,958,680 from the Connecticut Department of Correction FY 21 Comprehensive Financial Status Report; we then divided \$646,958,680 by 12,181, the average DOC population for FY19/20. It is worth noting that Connecticut has one of the highest costs of incarceration out of any state in our country; See Kelsey Warner, *Connecticut has one of the highest costs per prisoner*, (2016) , available at <https://www.ctpost.com/news/article/These-States-Have-the-Highest-Cost-Per-Prisoner-7380992.php#photo-8345863>

[10] We arrived at this estimate by way of our four key assumptions. We know, at minimum, 403 people are subject to isolated confinement. We believe the PROTECT Act, at minimum, will reduce the cost-intensive nature of prolonged isolation by about 80%. We further conservatively estimate the cost of incarceration to be about \$53,112 per person per year. Finally, we conservatively estimate that isolated confinement costs the State approximately two times as much as confinement in general population. Taken together, these numbers let us comfortably estimate a savings of about \$17 million per year. The final estimate is the result of subtracting $403 \times 80\% \times 53,112$ from $403 \times 80\% \times 106,224$. We should note that these calculations are not holistic, meaning that we do not take into account the host of additional savings that are made possible through reduction in recidivism, community medical costs, and litigation.

[11] Office of Governor Ned Lamont, *Governor Lamont Announces Plans To Close Northern Correctional Institution Due To Declining Crime Rate and Prison Population*, (2021), available at tinyurl.com/2glq22q6

[12] Office of Governor Ned Lamont, State of Connecticut Governor's Recommended Biennial Budget FY 2022-2023, (2021), available at https://portal.ct.gov/-/media/OPM/Budget/2022_2023_Biennial_Budget/Bud_WebPage/Governors-Budget-Presentation-21021.pdf

[13] The PROTECT Act guarantees two social letters per week and five legal letters per month. For the purposes of our calculation, we assume that these letters would cost the DOC approximately \$2 per week per incarcerated person. For a year, this would cost the DOC \$104 per person. We then multiply 104 by 9,197, the DOC population size as of January 1st, 2021. In total, we estimate the cost of the mail-guarantee would be \$956,488. Our bill also includes a guarantee for access to social visits and phone calls, which we expect to be cost neutral.

[14] We estimated this number by analyzing the State's FY19/20 budget and focusing on the workers' compensation claims for the Department of Emergency Services and Public Protection. The budget allocation for total worker's compensation for workers in the DESPP was \$4,636,817, which includes protections for mental and emotional impairment. In the Office of Fiscal Analysis' review of An Act Concerning Severe Mental and Emotional Impairment and Worker's Compensation Coverage (legislation expanding workers compensation for emotional impairment to DOC), the Office of Fiscal Analysis stated that "the cost to the state and municipalities will depend on (1) the anticipated frequency of claims and (2) the anticipated severity of the claims." In short, the OFA did not produce a precise estimate. Similarly, without additional information, this provision of the PROTECT Act is difficult to analyze, leading us to roughly estimate this will cost the State approximately \$1,000,000. Notably, the pro-social benefits of the PROTECT Act would likely reduce the need to award compensation for emotional impairment.

[15] Given that we modeled the Correction Ombud on the Office of the Child Advocate, we estimate the cost of the Correction Ombuds from the FY19/20 State expenditure on the Office of the Child Advocate.

[16] As noted previously, the net fiscal impact is calculated by subtracting expected costs from potential savings. \$2,586,488 in costs is subtracted from \$17,123,308 in savings, which gives a grand total of \$14,536,820 in savings.