



# Stop Solitary Statement: Response to CDOC Decision to Isolate Upon Intake

March 31st, 2020

In a Memo released on March 26<sup>th</sup>, 2020, Commissioner Rollin Cook established a policy that would, as a response to Covid-19, isolate incarcerated people upon admission to select Department of Correction (DOC) facilities. The memo states that,

Upon intake, the offenders will be isolated in a separate housing unit for the recommended 14- days. These isolation units should prove to be an extremely effective defense against newly admitted offenders introducing the virus into the facilities.<sup>1</sup>

This policy, outlined in just one sentence, raises a number of concerning questions about how the state is treating people in its custody. The decision to use of presumptive isolation upon intake to Connecticut state prisons and jails is an indication of the gravity of a potential Covid-19 outbreak, but, as it currently stands, this policy is an insufficient safeguard against Covid-19 and has a potentially devastating human impact without appropriate protections. In order to justify the extraordinary use of such a policy the State of Connecticut, acting through the DOC, the Judicial Branch, and the Division of Criminal Justice, must first commit to:

**Releasing people from prison in response to Covid-19.** Even with some changes to DOC operating procedure, appropriate social distancing is nearly impossible in prisons, evidenced by the fact that multiple staff and incarcerated people have now tested positive for Covid-19. An outbreak in a DOC facility has the potential to overwhelm limited prison healthcare infrastructure, and eventually spill over into the state's healthcare system. Isolating people upon intake is simply too little too late, and would not stop the introduction of the virus to prisons or jails by way of correctional staff.<sup>2</sup>

**Diverting people from the prison system in response to Covid-19.** Prolonged isolation has the potential to amount to solitary confinement, a practice that the U.N. Special Rapporteur on torture recently condemned in Connecticut state prisons.<sup>3</sup> In light of the DOC's decision to isolate people upon intake, the state *must*, to the greatest extent possible, avoid putting people in prison. Long-term isolation is regarded as a form of torture and can leave incarcerated people with long-lasting psychological trauma.

**Avoiding Across the Board Quarantines as a Primary Strategy to Combat Covid-19 in Prison.** Medical professionals should be given the authority to determine how to best house people who remain in prison. Testing and contact tracing should be emphasized over potentially punitive isolation. Instead of indiscriminate isolation, people should be organized into the small, stable cohorts based on where they currently reside.<sup>4</sup>

**Ensuring that, if someone is subject to isolation, they are provided with meaningful resources** including, but not limited to, guaranteed access to video chats/ phone calls, reading material, television, legal counsel, radio, remote educational opportunities, and medical care.

**Implementing measures that would ensure effective public and medical oversight.** People subject to isolation upon intake must have regular access to expedited grievance procedures and legal counsel; medical professionals must have unimpeded channels of communication with anyone isolated due to Covid-19.

<sup>1</sup> Commissioner Rollin Cook, *COVID-19 Memo #5*, State of Connecticut Department of Corrections, March 26<sup>th</sup>, 2020, <https://portal.ct.gov/-/media/DOC/Pdf/Coronavirus-3-20/COVID19-Memo-5-03272020.pdf?la=en>

<sup>2</sup> Stop Solitary CT, *Stop Solitary Statement: Response to Lamont and CDOC Failure to Adequately Protect Incarcerated People*, March 26<sup>th</sup>, 2020 <https://static1.squarespace.com/static/5875389e414fb5ad04c57d9a/t/5e7d0c97dabc2d2c2665a058/158525353535/SSCT+Statement+March+26th+FINAL.pdf>

<sup>3</sup> United Nations Human Rights, Office of the High Commissioner, *United State: prolonged solitary confinement amounts to psychological torture, says UN expert*, February 28<sup>th</sup>, 2020 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25633&LangID=E>

<sup>4</sup> Brie Williams et al., *Correctional Facilities In The Shadow Of COVID-19: Unique Challenges And Proposed Solutions*, March 26<sup>th</sup>, 2020 <https://www.healthaffairs.org/doi/10.1377/hblog20200324.784502/full/>