

# PROTECT Act vs. Executive Order 21-1



The PROTECT Act (S.B. 1059) is a landmark bill to protect the humanity of incarcerated people while promoting the safety and health of both staff and prisoners. The PROTECT Act passed with bipartisan support, but Governor Lamont vetoed it and issued Executive Order 21-1.

## **E. O. 21-1 creates fewer protections against solitary and major loopholes in restrictions.**

The PROTECT Act would ensure that all incarcerated people can leave their cells for at least *6.5 hours* per day. Isolated confinement would be strictly limited to emergencies and could last no more than 72 hours in a 14-day period. Vulnerable groups – including young people, pregnant people, and people with mental illness or disabilities – would be excluded, and people in isolation would receive medical and mental health supervision.

E.O. 21-1 provides incarcerated people just *4 hours* out of cell each day, **except** the DOC can isolate anyone on “disciplinary status.” The exception means people can still be isolated for 22 hours per day for up to 15 days in a row or 30 days in a 60-day period. The DOC can use isolation while someone is *awaiting* a hearing and to punish *any* violation. There are no real protections for vulnerable groups, like people with mental illness, who are most likely to languish in isolation.

## **E.O. 21-1 places no limits on abusive restraints.**

The PROTECT Act stops abuse of “in-cell restraints” – i.e., locking someone in a cell using metal shackles and chains for up to 72 hours, a routine DOC practice that the UN Special Rapporteur criticized as “purposefully inflicting severe pain or suffering, physical or mental, which may well amount to torture.” The Act would limit in-cell restraints to genuine emergencies, for the shortest time possible (maximum 4 consecutive hours), or when necessary and medically supervised during psychiatric emergencies.

E.O. 21-1 places **no** limits on in-cell restraints. Instead, the Order only directs the DOC to write a report outlining efforts to “decrease the use” of in-cell restraints.

## **E.O. 21-1 does not protect social bonds.**

The PROTECT Act recognizes that preserving social bonds protects humanity and helps people successfully return home. Currently, DOC denies contact visits for people in jails and maximum-security prisons. It routinely restricts visits, phone calls, and mail as a punishment. The Act would forbid this disciplinary practice and provide one weekly 60-minute social contact visit, except when it presents a genuine institutional security risk, such as risk of contraband entering the facility.

E.O. 21-1 contains no protections for social bonds. The Order merely requires that the DOC report steps taken and to be taken to “increase access” to contact visits by October 1, 2021.

## **E.O. 21-1 fails to provide independent oversight of the Department of Correction.**

The PROTECT Act would promote transparency through the creation of a Correction Ombuds and improved reporting. Connecticut is one of a handful of states with no mechanism for independent oversight. The Act would fill this void through an office – modeled on the Office of the Child Advocate – to investigate incarcerated people’s complaints, issue policy recommendations, and publish reports.

E.O. 21-1 provides no means for ongoing transparency or independent oversight.

## **E.O. 21-1 means no permanent change.**

The PROTECT Act would codify protections for incarcerated people in law. It would permanently safeguard their well-being and humanity.

E.O. 21-1 could be withdrawn by Governor Lamont or a successor at any time. These reforms mean little even now, but in the long-term, their impact could be absolutely zero.