

<https://www.courant.com/breaking-news/hc-br-hartford-connecticut-prison-debt-class-action-lawsuit-filed-former-inmates-20220314-g3mcy2httbbvbpharswillt16a-story.html>

Prisoner and former inmate file federal lawsuit against state over prison debt

By CHRISTINE DEMPSEY

MAR 14-15, 2022

An inmate and a former prisoner filed a federal lawsuit Monday against Gov. Ned Lamont and Attorney General William Tong in hopes of getting rid of a state law that requires former inmates to pay for the time they spent in jail, according to the American Civil Liberties Union Foundation of Connecticut. They also are seeking the court's permission to make it a class-action lawsuit on behalf of tens of thousands of present and former incarcerated people, said Meghan Holden, an ACLU spokeswoman.

Every inmate owes hundreds of dollars for each day behind bars, said the ACLU in a news release. Lawyers from the ACLU and from **Hurwitz, Sagarin, Slossberg & Knuff LLC** represent Michael Llorens and former prisoner Teresa Beatty on behalf of everyone owing prison debt to the state because they were incarcerated on or after Oct. 1, 1997 — about 30,000 people, according to the lawsuit.

The suit challenges Connecticut's prison debt law under the excessive fines clause of the U.S. Constitution, the ACLU said.

Elizabeth Benton, a spokeswoman for Tong, said staff members were reviewing the lawsuit and could not comment on its specific claims. State statutes require the state to recover the cost of incarceration, she said, and the job of placing liens on former prisoners falls to the Department of Administrative Services. There is a proposal at the legislature to repeal the statute, she said.

“The Office of the Attorney General becomes involved in certain contested cases but has had no involvement in the specific cases involving Ms. Beatty or Mr. Llorens,” she added.

Beatty, of Stamford, was in prison on drug charges from 2000-2002, the ACLU said. Today, she is a certified nursing assistant, a mother, a grandmother and a caretaker for her older brother who is disabled. In 2020, her mother died, leaving her part of the money from eventual sale of the home where Beatty, her brother and her family live.

“Once that home is sold, Ms. Beatty will desperately need her inheritance to put a roof over her and her family’s heads,” the organization said. But the state “came after Ms. Beatty, demanding \$83,762.26 for her time in custody, including when she was incarcerated pre-trial because she could not afford bail.”

Llorens, who is serving time for burglary, “owes the government of Connecticut an astonishing \$272,655 in prison debt for his three-year sentence,” the lawsuit said.

Under Connecticut’s prison debt law, the state charges people \$249 dollars a day, or \$90,885 a year, for the cost of their incarceration, the ACLU said, adding that the amount is more than what an in-state student would owe for

2.5 years of attendance at the University of Connecticut, including housing, food and books.

The debt follows the former prisoners for years, decimating inheritances and even settlements from lawsuits filed against the state by inmates who were harmed in prison, the ACLU said.

“Connecticut’s prison debt laws inflict a form of extreme punishment that locks people, especially Black and Latinx people, into unbelievable debt that can haunt them and their loved ones even after their deaths,” said Dan Barrett, ACLU’s legal director and an attorney in the case. “The law also rewards the state’s own bad behavior by collecting money from payouts in prison brutality lawsuits and funneling that money right into the general fund. Attorney General Tong and Governor Lamont should immediately cease using these statutes.”

David Slossberg of Hurwitz, Sagarin, Slossberg, & Knuff said, “Connecticut’s prison debt law flies in the face of the idea that someone has paid their debt to society after lawfully serving their prison sentence. It is unconstitutional and morally abhorrent. Anyone caring about social justice in our state should care that this law is being used every day.”

Beatty said the case is “not just about me, it’s about the tens of thousands of people coming out after me. I am speaking out because I don’t want anyone else to go through what I’m going through.”

New Haven Register

<https://www.nhregister.com/news/article/Lawsuit-At-249-per-day-behind-bars-CT-levies-17001892.php> (also posted in other Hearst daily papers in Connecticut)

Lawsuit: At \$249 per day behind bars, CT levies ‘unthinkable indebtedness’ on inmates

[Meghan Friedmann](#)

March 14-15, 2022

A lawsuit filed in federal court Monday seeks to undo a daily charge the state levies on incarcerated individuals that it says can saddle current and former inmates with staggering debt.

In an effort to stop the state from collecting on such debt, the American Civil Liberties Union of Connecticut is suing Gov. Ned Lamont and state Attorney General William Tong. The federal class action comes as the state legislature considers a bill that would eliminate prison liens, which date back to 1990s-era legislation.

During the 2019-20 fiscal year, the state charged incarcerated individuals \$249 for each day spent behind bars, per the ACLU’s complaint.

The ACLU contends that charge violates the Excessive Fines Clause of the United States Constitution.

“A person serving just one year’s imprisonment today owes the state for more than what an in-state student would for two and a half years’ attendance at the University of Connecticut, including housing, food, and books,” the complaint says.

Lamont’s office declined to comment on the claims, spokesman David Bednarz said via email.

Elizabeth Benton, a spokeswoman for Tong, issued the following statement:

“We are reviewing the lawsuit and cannot comment on the specific claims,” she wrote. “State statutes currently require the state to recover the cost of incarceration, and these liens typically originate directly from (the state Department of Administrative Services).”

After one year in prison at a daily rate of \$249, an incarcerated individual would accrue a debt of more than \$90,000

“These numbers generate almost unthinkable indebtedness figures for each day of incarceration, saddling people with bills in the thousands and even millions,” the complaint says, also contending the practice disproportionately affects people of color.

“The resultant prison debt — imposed on people who are almost uniformly destitute, and two-thirds of whom are people of color — is crippling,” according to the complaint.

“It’s horrifying,” Dan Barrett, legal director of the Connecticut ACLU, said of the state’s prison debt system.

He spoke of how it impacted Teresa Beatty, one of the lawsuit’s two named plaintiffs.

In the early 2000s, Beatty spent about two years in prison “for charges stemming from being caught with drugs,” according to the lawsuit, which says Beatty was released in 2002 and went on to live her life as a mother, grandmother and certified nursing assistant.

After her mother died in 2020, Beatty was slated to inherit 40 percent of the proceeds from the sale of her mother’s house, the lawsuit claims, adding that she needs the money, estimated at about \$230,000, to acquire new housing.

That’s when the state came to collect.

As her mother's will was being administered, the Connecticut Department of Administrative Services filed a notice in probate court claiming Beatty owed the state \$83,762.26, according to a copy of the notice, which the ACLU shared with Hearst Connecticut Media.

Michael Llorens, the lawsuit's second named plaintiff, has a debt that totals "an astonishing \$272,655" for a three-year prison sentence related to a burglary conviction, the ACLU's complaint says.

Though Llorens still is incarcerated, the state stands to "take a portion of the value" of a brutality lawsuit Llorens is pursuing against the police who arrested him, according to the complaint.

Tong's office was not directly involved in the Llorens and Beatty cases, according to Benton's statement.

"The Office of the Attorney General becomes involved in certain contested cases, but has had no involvement in the specific cases involving Ms. Beatty or Mr. Llorens," she wrote.

Yet the ACLU paints a very different picture of the attorney general's involvement in collecting prison debt.

"Tong's debt collections suits are not just trifling," the lawsuit says. "Because Tong can at any time sue an imprisoned debtor who has not yet finished their sentence for the anticipated costs of incarceration, he can and does obtain judgments for millions of dollars."

Carceral liens date back to legislation passed in the late 1990s. Connecticut General Statutes Sec. 18-85a gives the state a claim against the cost of an inmate's incarceration and enables it to use an individual's property to satisfy that claim.

From 2003 to 2006, the state collected between about \$600,000 and about \$1.5 million annually from prison debts, a 2006 report from the Office of Legislative Research shows.

Over the next 15 years, those numbers have more than tripled, per the ACLU's lawsuit, which says Connecticut collected an average of \$5.8 million annually during the last five fiscal years.

"It's high time that these statutes be stricken," said Barrett. "It's not clear to me how many generations of people we're going to saddle with these kinds of debts."



CONNECTICUT

Inmate, former prisoner file lawsuit over Conn.'s prison debt law

Posted: Mar 14, 2022 / 05:47 PM EDT

NEW HAVEN, Conn. (WTNH) — A current inmate and a former prisoner are suing Gov. Ned Lamont and Attorney General William Tong over Connecticut's prison debt law, the American Civil Liberties Union (ACLU) Foundation of Connecticut announced Monday.

Under Connecticut's prison debt law, the state charges people \$249 a day, or \$90,885 a year, for the cost of their incarceration, the ACLU said.

Lawyers representing inmate, Michael Llorens, and former prisoner, Teresa Beatty, filed the class-action lawsuit in U.S. District Court Monday, citing the excessive fines clause of the U.S. Constitution.

The ACLU said the lawsuit was filed "on behalf of all people owing prison debt to Connecticut by virtue of having been incarcerated by the state on or after October 1, 1997, including all people who are currently incarcerated in Connecticut prisons and jails." That's approximately 30,000 people, according to the lawsuit.

Tong's office issued the following statement to News 8 regarding the lawsuit:

"We are reviewing the lawsuit and cannot comment on the specific claims. State statutes currently require the state to recover the cost of incarceration, and these liens typically originate directly from DAS. The Office of the Attorney General becomes involved in certain contested cases, but has had no involvement in the

specific cases involving Ms. Beatty or Mr. Llorens. There is a proposal before the legislature currently to repeal the cost of incarceration statute.”

The governor’s office declined to comment.

Read the lawsuit below: (*link provided*)



<https://www.courthousenews.com/federal-lawsuit-denounces-connecticuts-prison-debt-law/>

Federal lawsuit denounces Connecticut's prison debt law

The lawsuit, filed in a federal court in Connecticut Monday, seeks to overturn a 25-year-old statute allowing the state government to charge inmates a daily fee for their imprisonment.

DAVE BYRNES / March 14, 2022

(CN) — Two former inmates are challenging a Connecticut law that has, since 1997, allowed the state to impose a debt on inmates for each day of their incarceration.

In a putative class action lawsuit filed in a Connecticut federal court on Monday, the former inmates are asking the court to declare their prison debt invalid and the statute permitting the collection of such debt to be null and void.

As of Monday, the daily incarceration fee in Connecticut is \$249, or \$90,885 annually. The statute claims this fee is meant to recoup the state's expenditure in feeding and sheltering inmates, but the suit alleges it traps former inmates in an oppressive debt cycle — a second incarceration — from which there is no escape.

"For people in prison, Connecticut's prison debt laws mean that the state can collect against nearly all their property at any time. Once a person is released, prison debt follows them for decades, decimating inheritances from deceased loved ones, proceeds from lawsuits (even for injuries sustained in prison), and,

ultimately, anything a person leaves upon their death," the [21-page lawsuit](#) state. "Even after a person serves their designated sentence, the prison debt laws punitively and arbitrarily impose an additional sentence, just in a different form."

The plaintiffs in the suit are Teresa Beatty and Michael Llorens, former Connecticut inmates representing a putative class of over 30,000 other people.

"Ms. Beatty's case is not unique. Under Connecticut's prison debt law, the state currently charges people \$249 per day, or \$90,885 per year, for the cost of their incarceration — more than what an in-state student would owe for 2.5 years' attendance at UCONN, including housing, food, and books," a statement from the American Civil Liberties Union of Connecticut reads. The suit was submitted on the plaintiffs' behalf by **David A. Slossberg of Hurwitz Sagarin Slossberg & Knuff in Mitford**, and Dan Barrett with the ACLU Foundation of Connecticut.

The complaint names Connecticut Governor Ned Lamont and Attorney General William Tong as defendants due to the power both individuals have over the state's Department of Corrections. It seeks to enjoin Lamont, as the state's chief executive, from enforcing the statute, and Tong from filing collection actions against people who owe prison debt.

The suit also aims to wipe out Beatty's and Llorens' current debt, which between the pair is over \$356,000. As with many other states in the union, Connecticut's prison population is majority Black and Latino. The ACLU of Connecticut argues the 1997 statute is part of the United States' history of systemic racism.

"Connecticut's prison debt laws inflict a form of extreme punishment that locks people, especially Black and Latinx people, into unbelievable debt that can haunt them and their loved ones even after their deaths," said ACLU of

Connecticut Legal Director Barrett. "The law also rewards the state's own bad behavior by collecting money from payouts in prison brutality lawsuits and funneling that money right into the general fund."

Connecticut is not the only state that profits off its inmate population. Every state in the union except Hawaii allows for the collection of daily "pay-to-stay" fees. Similarly, all states make use of prison labor programs in which inmates are compelled to work public and private jobs for mere cents an hour, if they are paid at all. The practice began after the Civil War, when southern state prisons began to lease their inmates — mostly Black men — out to private companies. This was and is allowed by the wording of the Thirteenth Amendment, which expressly forbids all forms of involuntary labor, except as punishment for a crime.

Beatty said she hopes the suit will change this system for those who come after her.

"I am speaking out because I don't want anyone else to go through what I'm going through. It's not just about me, it's about the tens of thousands of people coming out after me," Beatty said in a statement.



<https://ctnewsjunkie.com/2022/03/14/aclu-files-lawsuit-says-cost-of-incarceration-is-too-high%E2%82%AC/>

Criminal Justice

ACLU Files Lawsuit, Says Cost of Incarceration Is Too High

by **Lisa Backus** March 14, 2022, 2:06 pm

Two state residents have filed a federal class-action lawsuit representing more than 30,000 current and former inmates to get Gov. Ned Lamont and Attorney General William Tong to stop charging incarcerated people for each day spent in prison.

Theresa Beatty, a Stamford resident who was incarcerated for two years nearly two decades ago was issued a bill for \$83,762.26 after her mother passed away in 2020. She's now afraid to sell her mother's home since it will mean the state will take either half of the inheritance or the \$83,762, whichever is less.

"I'm speaking out because I don't want anyone else to go through what I'm going through," Beatty said in a statement Monday. "It's not just about me, it's about the tens of thousands of people coming out after me."

Michael Llorens, of New Britain, has racked up a \$272,655 bill for his three-year sentence on a burglary conviction that attorneys for the American Civil Liberties Union Foundation of Connecticut contend can be charged to him at any time.

“The state is charging \$90,000 a year,” said ACLU CT attorney Dan Barrett who is representing Llorens and Beatty in the lawsuit along with attorneys from **Hurwitz, Sagarin, Slossberg and Knuff, LLC**. “It’s appalling that they are charging that amount of debt just for one year. In the case of Mr. Llorens, that’s \$270,000 for three years. Most people who are in prison are destitute.”

The lawsuit claims that the cost of incarceration legislation that has billed inmates and former inmates since 1997 is unconstitutional and violates the 8th Amendment, which includes that no excessive fines be issued in connection with convictions.

A spokesman for Lamont said the administration had no comment on the lawsuit.

“We are reviewing the lawsuit and cannot comment on the specific claims,” said Elizabeth Benton, spokeswoman for Tong’s office. “State statutes currently require the state to recover the cost of incarceration, and these liens typically originate directly from DAS (Department of Administrative Services). The Office of the Attorney General becomes involved in certain contested cases, but has had no involvement in the specific cases involving Ms. Beatty or Mr. Llorens. There is a proposal before the legislature currently to repeal the cost of incarceration statute.”

A coalition of advocates who are trying to get the law repealed during the current legislative session called the practice of charging for the cost of incarceration a barrier to families building intergenerational wealth that disproportionately impacts communities of color.

“I view this as perpetuating intergenerational poverty,” Quinnipiac Law Professor Sarah Russell, who is the director of the school’s legal clinic, said in October. “If you were incarcerated and leaving money to a child, that child has already suffered from your absence and from the absence of your income. But if you want to leave money to them within 20 years of your release, 50% of that will be taken. It also impacts you if you receive an inheritance that could be used to help you get back on your feet. People who have been incarcerated already have challenges.”

The law mostly impacts people of color since they make up between 70 to 80% of the prison population, Russell said. “It certainly has a racial and ethnic disparate impact,” she said. “It’s continuing the cycle of poverty because the look back is such a long time.”

That bill, [HB 5072](#), was referred to the Judiciary Committee on Feb. 14 but so far no other action has been taken.

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The state has collected \$18.4 million in the past three years from formerly or currently incarcerated individuals who have gained “windfalls” such as an inheritance or a legal victory in a lawsuit, according to DAS which collects the money.

Although the debt is referred to as the cost of incarceration, the funds don't go to the state Department of Correction, Barrett said in the lawsuit. The money goes into the state's General Fund, he said.

The lawsuit also alleges that Tong often uses the cost of incarceration law to shield the DOC from the financial consequences of its own wrongdoing. “For example, during a recent lawsuit brought by an incarcerated woman forced to give birth to her baby in her cell after being denied medical care, Tong's employees frequently reminded the plaintiff that if she went to trial, they would claw back at least 50% of anything a jury were to award her,” the lawsuit said. “According to her attorney, in light of this, she ultimately decided to settle for a much smaller amount.”

The state is currently charging \$249 a day for incarceration which amounts to more than \$90,000 a year, the lawsuit said.

When Beatty was held on pre-trial detention for 452 days in 2000 and 2001 she generated a \$55,000 bill for being incarcerated without a conviction, the lawsuit said. She was also charged \$33,517 for the time she spent incarcerated on a drug conviction in 2001 and 2002.

At the time of her conviction, a judge did not impose a \$10,000 fine which was permitted as part of her sentence, the lawsuit.

Beatty, 58, is now a certified nursing assistant who helps care for her older brother who is disabled, the court documents said. She also cared for her mother up until her death in 2020. Beatty will inherit 40% of the \$590,000 value of her parents home when it is sold.

Her share will likely be about \$230,000 before probate administrative expenses, the lawsuit said. But if the home is sold, she'll need money to find a new place to live, Barrett said.

"Though Ms. Beatty was briefly incarcerated nearly two decades ago, like many people, she had no idea that she apparently owed thousands of dollars for her stay in prison," the lawsuit said.