



Senate

General Assembly

File No. 130

January Session, 2001

Senate Bill No. 503

Senate, April 5, 2001

The Committee on Public Safety reported through SEN. PENN of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT ESTABLISHING A PRISONER FATALITY REVIEW PANEL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) (1) There is established a prisoner fatality
2 review panel composed of the following members or their designees:
3 The Commissioner of Public Safety; the Commissioner of Correction;
4 the Chief State's Attorney; the Chief Public Defender; the Chief
5 Medical Examiner; the executive director of the Commission on
6 Human Rights and Opportunities; the executive director of the African
7 American Affairs Commission, the executive director of the Latino and
8 Puerto Rican Affairs Commission and the President of the Connecticut
9 Police Chiefs Association. The panel shall also consist of three persons
10 with background and experience in medicolegal investigations, one of
11 whom shall be appointed by the Governor, one by the president pro
12 tempore of the Senate and one by the speaker of the House of
13 Representatives, and two persons representing civic or religious
14 leaders, one of whom shall be appointed by the minority leader of the
15 Senate and one of whom shall be appointed by the minority leader of

16 the House of Representatives. The chairpersons and ranking members
17 of the joint standing committee of the General Assembly having
18 cognizance of matters relating to public safety and the chairpersons
19 and ranking members of the joint standing committee of the General
20 Assembly having cognizance of matters relating to the judiciary shall
21 serve ex officio with full voting rights. A majority of the panel may
22 select not more than three additional temporary members with
23 particular expertise or interest to serve on the review of a specific
24 fatality. Such temporary members shall have the same duties and
25 powers as the permanent members of the panel.

26 (2) The permanent members of the panel shall annually elect one of
27 its members as chairperson and one as vice chairperson. Members of
28 the panel shall receive no compensation but shall be reimbursed for
29 their actual expenses incurred in service on the panel. The panel shall
30 meet at least once each year and more often as its duties require, upon
31 the call of the chairperson and vice chairperson. The panel shall also
32 meet upon the request of any five members. The Commission on
33 Human Rights and Opportunities shall, within available
34 appropriations, provide staff resources to the panel. The panel shall, to
35 the greatest extent possible, reflect the ethnic, cultural and geographic
36 diversity of the state.

37 (b) The panel shall review the circumstances of the death, or the
38 illness or injury that results in the death, of any person who was, at the
39 time of such death, illness or injury, in the custody and care of a
40 municipal police department, the Division of State Police within the
41 Department of Public Safety, or the Department of Correction. The
42 panel shall consider issues arising from such death including, but not
43 limited to, (1) security systems in place for the safety of persons in
44 custody, (2) preincarceration screening, (3) autopsy procedures, (4) the
45 accuracy and timeliness of information about such death, illness or
46 injury, and (5) department compliance with all applicable laws and
47 regulations.

48 (c) On or before January 15, 2002, and annually thereafter, the panel
49 shall issue an annual report that shall include its findings and
50 recommendations to the Governor and to the joint standing
51 committees of the General Assembly having cognizance of matters
52 relating to public safety and the judiciary on its review of prisoner
53 fatalities for the preceding year.

54 (d) Each municipal police department, the Division of State Police
55 within the Department of Public Safety and the Department of
56 Correction shall provide timely notice to the panel of the death, or of
57 the illness or injury that results in the death, of any person in its
58 custody or care.

59 Sec. 2. This act shall take effect July 1, 2001.

PS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost

Affected Agencies: Department of Public Safety (Division of State Police), Municipalities with Organized Police Departments, Commission on Human Rights and Opportunities, Department of Corrections, Chief's State's Attorney, Chief Public Defender, Chief Medical Examiner's Office, Commission on Latino and Puerto Rican Affairs, African American Affairs Commission

Municipal Impact: Minimal Cost

Explanation**State Impact and Municipal Impact:**

The bill creates a 22-member prisoner fatality review panel to review the circumstances surrounding the death, illness, or injury resulting in the death of anyone in the Department of Correction or police custody.

The panel must report its findings to the governor and the Public Safety and Judiciary committees by January 15, 2002 and annually thereafter.

The commissioner of the Department of Public Safety, or his

designee, is one of the members of the panel, and is entitled to actual expenses incurred in service on the panel. Costs would depend on the number of meetings, but they are anticipated to be minimal at this time. (It appears that the costs of the panel members' actual expenses would be paid out of the budget of CHRO.)

The bill requires each municipal police department and the Division of State Police within the Department of Public Safety to provide the panel with timely notice of the death of any person in its care or custody. The costs of notification would be minimal and absorbable within existing resources. Eighty-nine (89) municipalities have organized police departments.

A potential minimal cost may result to the impacted legislative agencies. Participation on the prisoner fatality review panel of the Executive Directors of the American Affairs Commission and the Latino and Puerto Rican Affairs Commission, and appointed legislators may result in mileage reimbursement costs. Currently, the reimbursement is 30 cents a mile. Any additional cost due to mileage reimbursement can be handled within the available appropriation of the legislative agencies.

The commissioner Of Correction, the Chief State's Attorney and the Chief Public Defender for their participation on the panel, may also incur potential minimal costs such as mileage reimbursement expenses.

The bill requires the Commission on Human Rights and Opportunities (CHRO) to staff the panel. The Executive Director of CHRO is also a member of the panel and may incur minimal costs such as mileage reimbursement. There will be a workload increase for the staff of CHRO. This workload increase and minimal cost to the Executive Director can be handled within the anticipated budgetary resources of the agency.

Since 1992, the Department of Corrections (DOC) has averaged 36 deaths per year. Over 90% of these deaths have been due to AIDS or other natural causes. Where necessary, the department currently conducts internal investigations into such deaths. In addition, investigations are often conducted by the State Police and the Attorney General.

OLR Bill Analysis

SB 503

AN ACT ESTABLISHING A PRISONER FATALITY REVIEW PANEL.**SUMMARY:**

This bill creates a 22-member prisoner fatality review panel to review the circumstances surrounding the death, including death from illness or injury, of anyone in the Department of Correction's (DOC) or police custody. It requires DOC and the police to provide the panel with timely notice of such incidents.

The panel must consider issues surrounding the deaths, including (1) security systems in place for the safety of people in custody, (2) preincarceration screening, (3) autopsy procedures, (4) the accuracy and timeliness of information about the incidents, and (5) the agencies' compliance with laws and regulations.

By January 15, 2002 and annually afterwards, the panel must report its findings and recommendations for the previous year to the governor and Public Safety and Judiciary committees.

EFFECTIVE DATE: July 1, 2001

FATALITY REVIEW PANEL MEMBERSHIP

The panel consists of the chairmen and ranking members of the Public Safety and Judiciary committees and the following officials or their designees:

1. the public safety and correction commissioners,
2. the chief state's attorney,
3. the chief public defender,
4. the chief medical examiner,

5. the Connecticut Police Chiefs Association president;
6. executive directors of the Commission on Human Rights and Opportunities (CHRO), African American Affairs Commission, and Latino and Puerto Rican Affairs Commission;
7. three people with background and experience in medicolegal investigations--one each appointed by the governor, Senate president pro tempore, and House speaker; and
8. two representatives of civic or religious leaders--one appointed by the Senate minority leader and one by the House minority leader.

A panel majority may select up to three temporary members with “particular expertise or interest” to help review a specific fatality. They have the same duties and powers as permanent members while serving.

The panel must, to the greatest extent possible, reflect the state’s ethnic, cultural, and geographical diversity.

MEETINGS, COMPENSATION, STAFFING

Annually, the permanent panel members must elect one member as chairman and one as vice chairman. Members are not compensated but must be reimbursed for actual expenses. The panel must meet at least once annually, and more often as its duties require, at the call of the chairman and vice chairman. It must also meet if five members request a meeting. CHRO must, within appropriations, provide staff and resources to the panel.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report
Yea 22 Nay 0