

Judiciary Committee Public Hearing
February 5, 2007

H.B. 6984, AAC Staffing Standards of the Department of Correction
H.B. 6987, AAC the Rights of Inmates with Mental Illness

Good afternoon Representative Lawlor, Senator McDonald and distinguished members of the Judiciary Committee. It is my pleasure to come before you today. My name is Theresa Lantz, Commissioner for the Department of Correction. Along with me is Brian Murphy, Deputy Commissioner of Operations and Dr. Suzanne Ducate, Principle Psychiatrist for our Health and Addiction Services unit to assist in addressing any questions you may have regarding the proposed legislation before us.

Let me begin by speaking in **opposition to H.B. 6984, AAC Staffing Standards of the Department of Correction** – which I believe is not necessary nor in the best interests of my agency and state taxpayers.

As in my testimony last year on this very issue, my priority is the safety of the public, my staff and the inmates. My agency is at the present time appropriately staffed at a level that insures the safety of all involved and the security and order of our facilities.

Presently, the Department has 4,108 filled Correction Officer positions. Of those, 80 are currently in our pre-service training and will graduate on February 15th. This is 67 short of our total established Correction Officer position count. Compared to our daily post requirements, the effective number of vacancies is actually 155 positions. This equates to a vacancy rate of less than four percent, and we are actively recruiting for another class of cadets to start training in March of this year.

Each year, and as operational needs change, the staffing plans, which include work posts at all 18 correctional facilities are reviewed to ensure that the staffing levels continue to be appropriate to safely carry out our mission. As many of you know, our inmate population has risen in past months to a point where numerous additional “overflow” posts have been needed to maintain good order in our facilities. This has led to a substantial increase in our use of overtime. We continue to evaluate the long-term impact, if any, of population growth and will adjust our daily post requirements accordingly.

In the year following the inception of a revised shift relief factor, which eliminated the consideration of inflationary factors to include sick time and workers’ compensation, overtime was reduced by 10.34% or 187,021 hours, with a savings of \$6,188,566. More importantly, we took steps to balance staffing across all of our facilities. As a result, holdovers or drafting of correction officers for mandatory overtime have been minimized.

The current shift relief factor is calculated by adding the number of 7-day posts and the number of time off allotted. This is then multiplied by 1.6 and then the number of 5-day posts are added to the result.

The majority of our correctional line staff work a 5-3 schedule, with five (5) days on and three (3) days off in an eight-day period. In addition to these three regular days off, staff

may take accrued time on their scheduled workdays. Each facility has an established number of time-off allotments that may be granted.

This bill would artificially inflate the need for over 1,400 additional correction officers through the inclusion of sick time and workers compensation utilization in the shift relief formula. More importantly, it overrides our management right as well as our obligation to manage resources within the department in the best interests of safety, security and fiscal responsibility.

The fiscal impact of this bill on the Department and State would be in excess of \$94 million for the first year, \$98 million for the second year and approximately \$102 million for the third year.

This bill is not necessary, nor is it fiscally prudent and I ask that you oppose it.

With regard to **H.B. 6987, AAC the Rights of Inmates with Mental Illness**, I have some concerns that I would like to share with the Committee. Let me begin by saying that as the Commissioner, I am deeply committed to ensuring that the inmates in the custody of the Department of Correction receive the appropriate medical and mental health care, in accordance with U.S. constitutional and community standards of care.

Specifically, inmates who have been diagnosed with a mental illness shall receive clinically appropriate mental health services, as guaranteed by the U.S. Constitution under the 8th Amendment. In addition, the U.S. Supreme Court case law defines how the 8th Amendment guarantees medical and mental health care, in *Estelle v. Gamble* and *Ruiz v. Estelle*.

I can tell you, that most of what is provided for in this proposed legislation, is already in our Administrative Directives as well as in the policies of our contracted health care provider, UCONN's Correctional Managed Health Care. My concerns are focused primarily on it dictating in great specificity through statute, how appropriate mental health care shall be delivered. Good medical and mental health care depends on the ability of licensed health care providers to make clinical decisions on a case by case basis, based on the individual needs of the inmate. In addition, as Commissioner, I need to have the flexibility to adjust policies and procedures within our constitutional mandate to address such things as the changing needs of the inmate population, changes and enhancements of community standards of care and proper allocation of resources. My concern is that a statutory mandate of this kind would severely impede my ability and flexibility to adjust to these changing needs, and I ask that you oppose this bill.

Thank you for your time this afternoon and I would be happy to address any questions you may have.