

Public Health Committee
Public Hearing
March 14, 2007
Testimony of Theresa C. Lantz
Commissioner, Department of Correction

RE: Senate Bill 1194, An Act Concerning Notification to the Office Of Protection and Advocacy for Persons with Disabilities of the Department of Correction inmate suicides and the Department of Mental Health and Addiction Services Client Deaths.

Good morning Senator Handley, Representative Sayers and members of the Public Health Committee. I'm writing you **in opposition to Senate Bill 1194**, An Act Concerning Notification to the Office Of Protection and Advocacy for Persons with Disabilities of the Department of Correction Inmate Suicides and the Department of Mental Health and Addiction Services Client Deaths.

Let me begin by making clear that the Connecticut Department of Correction fully appreciates the concern of the Office of Protection and Advocacy for Persons with Disabilities (OP&A) regarding incidents of suicide within state correctional facilities. It is obviously something that my staff and I are also extremely committed to combating and we are always willing to collaborate with those who would seek to assist us in this matter.

This proposed legislation would increase the access OP&A would have to departmental documents regarding suicides and would speed up the time frame in which those records would have to be provided. Under current law, OP&A already has the right to the documents addressed in this bill. Upon request, we have and will continue to comply with the production of these documents.

We do however have some major concerns about the provisions of the proposed legislation.

Section 1(b) of the bill is of greatest concern because it mandates a ten-day requirement for production of medial and mental health information, as well as any video recordings relating to the inmate suicide. This would interfere and perhaps jeopardize the integrity of ongoing Department of Correction, State Police or other possible criminal investigations and would be premature since the investigation's conclusive findings of the cause of death would not yet be determined.

We argued this very point in federal court where the judge ruled in our favor.

The other major concern with release of information at such an early stage is that under the Freedom of Information Act, we as a law enforcement agency can exempt from disclosure those records until such time as the investigation is completed. However, if they are provided to OP&A, and then further requested by someone under the Freedom of

Information Act from them, the information could and has been disclosed, thereby jeopardizing the Department of Correction as well as the other law enforcement investigations.

Lastly, there is a concern for confidentiality, both of an inmate who may have been involved in what the bill calls an "apparent suicide" attempt and for the family of an inmate involved with a completed suicide.

The bill, as stated above, would require the disclosure to OP&A of medical and mental health information without any requirement to obtain the consent of the inmate who survived such an attempt or, in the case of a completed act of self harm, of the administrator appointed by the Probate Court to represent the inmate.

Let me again make clear, that within the established bounds of confidentiality, or when waived by the controlling party, the Department of Correction has and will continue to fully cooperate in a timely manner with those agencies who are entitled to review our policies, procedures and incidents.

The Department of Correction is committed to working with the Office of Protection and Advocacy, with whom we have an open and mutually beneficial relationship, regarding a wide range of inmate issues. We would be happy to work with them to establish guidelines by which we can share information, in a timely manner, that they are entitled to receive under existing federal and state law. **For the reasons stated before you, I ask that you oppose S.B 1194.**