

Public Health Committee
Public Hearing

Testimony of Theresa C. Lantz
Commissioner, Department of Correction

February 29, 2008

Senate Bill 244, An Act Concerning Notification to the Office of Protection and Advocacy for Persons with Disabilities of Department of Correction Inmate Suicides and Department of Mental Health and Addiction Services Client Deaths

Good morning, Senator Handley, Representative Sayers and members of the Public Health Committee. I am writing to express my opposition to Senate Bill 244, An Act Concerning Notification to the Office of Protection and Advocacy for Persons with Disabilities of Department of Correction Inmate Suicides and Department of Mental Health and Addiction Services Client Deaths.

The Department continues to oppose this bill. The Department of Correction is well aware of the concerns of the Office of Protection and Advocacy regarding incidents of suicide within the state's correctional facilities. My staff and I are also concerned about suicides within the state's correctional facilities and are steadfast in our efforts to prevent and combat suicides and attempted suicides.

Senate Bill 244 would require the Department to provide written notification of any inmate suicide or apparent suicide not later than the next business day after the inmate's death. That written notification would include any mental health status determination made with respect to the inmate by the Department. Our major concern with the release of information at such an early stage is that under the Freedom of Information Act, the Department 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 the Office of Protection and Advocacy, and then further requested by someone under the Freedom of Information Act from them, the information could and have been disclosed, thereby jeopardizing the Department of Correction as well as other law enforcement agencies that may be conducting investigations.

The Department is also concerned about confidentiality, both of an inmate who may have been involved in what Senate Bill 244 calls an apparent suicide and for the family of an inmate involved with a completed suicide. The bill would require the disclosure of medical and mental health information without any requirement to obtain consent of the inmate who survived such an attempt or, in the case of a completed act, of the administrator appointed by the Probate Court to represent the inmate.

Please let me emphasize that within 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 that are entitled to review our policies, procedures and incidents.

The Department of Correction has an open and mutually beneficial relationship with the Office of Protection and Advocacy regarding a wide range of inmate issues and is committed to working with them. Whenever there is an inmate suicide, the Department issues a press release that provides the inmate name, inmate number and correctional facility at which the incident occurred and the circumstances in which the inmate was found. The Department does not reveal the identity of a youthful offender. The Department would be more than willing to share the press release with the Office of Protection and Advocacy. We would be happy to sit down with the Office to establish what additional information we can give them and when it can be provided without jeopardizing agency investigations and inmate confidentiality.

Thank you for your consideration of the Department's views on Senate Bill 244. I ask you to oppose the bill.