



House of Representatives

General Assembly

File No. 660

January Session, 2011

House Bill No. 6642

House of Representatives, April 28, 2011

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION.

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

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) Any agency of the
2 state or any political subdivision of the state that incarcerates or
3 detains adult or juvenile offenders, including persons detained for
4 immigration violations, shall, within available appropriations, adopt
5 and comply with the applicable standards recommended by the
6 National Prison Rape Elimination Commission for the prevention,
7 detection and monitoring of, and response to, sexual abuse in adult
8 prisons and jails, community correction facilities, juvenile facilities and
9 lockups.

10 (b) Such standards include, but are not limited to:

11 (1) Zero tolerance of sexual abuse;

12 (2) Contracting with other entities for the confinement of inmates,

- 13 detainees or residents;
- 14 (3) Inmate, detainee or resident supervision;
- 15 (4) Heightened protection for vulnerable detainees;
- 16 (5) Limits to cross-gender viewing and searches;
- 17 (6) Accommodating inmates, detainees or residents with special
18 needs;
- 19 (7) Hiring and promotion decisions;
- 20 (8) Assessment and use of monitoring technology;
- 21 (9) Evidence protocol and forensic medical examinations;
- 22 (10) Agreements with outside public entities and community service
23 providers;
- 24 (11) Agreements with outside law enforcement agencies;
- 25 (12) Agreements with the prosecuting authority;
- 26 (13) Employee training;
- 27 (14) Volunteer and contractor training;
- 28 (15) Inmate or resident education;
- 29 (16) Detainee, attorney, contractor and inmate worker notification of
30 agency's zero-tolerance policy;
- 31 (17) Specialized training: Investigations;
- 32 (18) Specialized training: Medical and mental health care;
- 33 (19) Screening for risk of victimization and abusiveness;
- 34 (20) Use of screening information;
- 35 (21) Obtaining information about residents;
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- 36 (22) Placement of residents in housing, bed, program, education and
37 work assignments;
- 38 (23) Inmate, detainee or resident reporting;
- 39 (24) Exhaustion of administrative remedies;
- 40 (25) Inmate or resident access to outside confidential support
41 services or legal representation;
- 42 (26) Third-party reporting;
- 43 (27) Staff and facility or agency head reporting duties;
- 44 (28) Reporting to other confinement facilities;
- 45 (29) Staff first responder duties;
- 46 (30) Coordinated response;
- 47 (31) Agency protection against retaliation;
- 48 (32) Duty to investigate;
- 49 (33) Criminal and administrative agency investigations;
- 50 (34) Evidence standard for administrative investigations;
- 51 (35) Disciplinary sanctions for staff;
- 52 (36) Disciplinary sanctions for inmates;
- 53 (37) Referrals for prosecution for detainee-on-detainee sexual abuse;
- 54 (38) Interventions for residents who engage in sexual abuse;
- 55 (39) Medical and mental health screenings: History of sexual abuse;
- 56 (40) Access to emergency medical and mental health services;
- 57 (41) Ongoing medical and mental health care for sexual abuse
58 victims and abusers;

- 59 (42) Sexual abuse incident reviews;
- 60 (43) Data collection;
- 61 (44) Data review for corrective action;
- 62 (45) Data storage, publication, and destruction; and
- 63 (46) Audits of standards.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: See Below

Explanation

It is anticipated that state and municipal agencies that incarcerate or detain adults or juveniles currently utilize practices that are sufficiently compliant with draft standards promulgated by the National Prison Rape Elimination Commission so as to preclude a fiscal impact. However, it should be noted that the Commission's standards are not yet finalized and may be subject to change. The bill requires compliance with applicable standards within available appropriations.

The Out Years

State Impact: See Above

Municipal Impact: See Above

OLR Bill Analysis**HB 6642*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION.*****SUMMARY:**

Within available appropriations, this bill requires state and municipal agencies that incarcerate or detain adult or juvenile offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, juvenile facilities, and lockups.

EFFECTIVE DATE: October 1, 2011

STANDARDS

At a minimum, the bill requires the agencies to adopt and comply with the standards on:

1. zero tolerance of sexual abuse and notifying detainees, attorneys, contractors, and inmate workers of this policy;
2. contracting with other entities for the confinement of inmates, detainees, or residents;
3. supervising inmates, detainees, or residents;
4. heightened protection for vulnerable detainees;
5. limiting cross-gender viewing and searches;
6. accommodating inmates, detainees, or residents with special needs;

7. hiring and promotion decisions;
8. assessing and using monitoring technology;
9. adopting evidence protocols and requiring forensic medical examinations;
10. reaching agreements with outside public entities, community service providers, outside law enforcement agencies, and prosecutors;
11. training employees, volunteers, and contractors;
12. educating inmates and residents;
13. specialized training on investigations and medical and mental health care;
14. screening for risk of victimization and abusiveness;
15. obtaining information about residents;
16. placing residents in housing, bed, program, education, and work assignments;
17. establishing reporting procedures for inmates, detainees, residents, and third parties;
18. exhausting administrative remedies;
19. giving inmates or residents access to outside confidential support services or legal representation;
20. establishing reporting duties of staff and facility or agency heads and requiring reporting to other facilities;
21. establishing first responder duties;
22. coordinating responses;
23. protecting inmates or other detainees from retaliation;

24. establishing the duty to investigate incidents, providing for criminal and administrative investigation, and setting the evidence standard for administrative investigations;
25. establishing disciplinary sanctions for staff and inmates;
26. referring detainee-on-detainee sexual abuse for prosecution;
27. interventions for residents who engage in sexual abuse;
28. screening medical and mental health for the history of sexual abuse;
29. providing access to emergency medical and mental health services and ongoing medical and mental health care for sexual abuse victims and abusers;
30. reviewing sexual abuse incidents;
31. collecting and reviewing data for corrective action and providing for data storage, publication, and destruction; and
32. auditing the standards.

BACKGROUND

National Prison Rape Elimination Commission

Congress created this commission to study the causes and consequences of sexual abuse in prison and develop standards to eliminate prison rape. The commission submitted its report in June 2009. The report included detailed standards to reduce sexual abuse of offenders in adult prisons and jails, juvenile detention facilities, facilities housing immigration detainees, lock-ups, and community corrections. Its recommendations include:

1. improving identification of vulnerable inmates, protecting them without isolating them, and providing rehabilitative programs;
2. rigorous internal monitoring and external oversight;

3. ensuring that reporting procedures instill confidence in victims and protect them from retaliation;
4. thorough and competent investigations;
5. holding perpetrators accountable through administrative sanctions and criminal prosecution; and
6. ensuring victims' immediate and ongoing access to medical and mental health care and supportive services.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (04/14/2011)