



OLR RESEARCH REPORT

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SITING CORRECTIONAL FACILITIES

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You asked for the law on siting prisons and other correctional facilities.

SUMMARY

There is no specific statutory process for siting prisons or most other types of correctional facilities (e.g., community-based facilities), but there are some requirements that apply to particular types of facilities or locations. For example, legislation in 2010 required the Department of Correction (DOC) and the Judicial Branch's Court Support Services Division (CSSD) to establish site evaluation criteria for evaluating proposals for a facility housing beds for sex offenders returning to the community. Another statute ([CGS § 18-87l](#)) bars the New Haven Armory from being used to house prisoners.

According to DOC, the decision on where to locate a correctional facility would be a multi-agency effort, involving input from DOC, the Department of Administrative Services (DAS), the Department of Construction Services (formerly the Department of Public Works), the Office of Policy and Management (OPM), and the governor's office. They would work together to find a suitable location. One of the principal challenges would be finding a community willing to host a facility.

DOC must also comply with general rules concerning state real property. For example, state agencies must (1) submit plans for long-term facilities needs and related facility project requests to the OPM secretary and DAS, for use in OPM's development of the [State Facility Plan \(CGS § 4b-23\)](#) and (2) notify a municipality before constructing a building that costs \$100,000 or more ([CGS § 4b-28](#)). State agencies must also prepare an environmental impact evaluation before approving an action which would significantly affect the environment ([CGS § 22a-1b](#)).

A provision in [PA 08-01, January Special Session](#) established a Siting Incentives Committee, chaired by OPM's under secretary of criminal justice policy and planning. The committee was charged with studying how the state could provide incentives to municipalities to allow the siting of community-based facilities (e.g., halfway houses) for offenders released into the community. The committee delivered its final [report](#) in December 2008.

The report noted that there are no statutory siting requirements or formal siting policies for community-based service facilities under contract with DOC or CSSD. The private service provider must find a site that meets local zoning approval and otherwise complies with local regulations. The report further noted that DOC and CSSD do not have legislative authority to override local zoning regulations.

SITING OF RESIDENTIAL SEX OFFENDER FACILITY

[PA 08-01, January Special Session](#) required DOC and CSSD to each contract for 12 staff-secure beds for sex offenders returning to the community.

[PA 10-112](#) required (1) people and entities responding to requests for proposals (RFP) to identify and provide descriptions of at least five proposed sites and (2) DOC and CSSD to establish proposal evaluation criteria (such as the site's distance from schools, residential or commercial properties, town parks, recreational facilities, or other specified settings). The full public act summary is available [here](#). These requirements are not codified in statute, as they only applied to the specific RFP described above.

The state eventually chose to locate the residential sex offender treatment facility in Montville, on the grounds of the Corrigan-Radgowski Correctional Center.

JO:ts