



General Assembly

January Session, 2017

Raised Bill No. 7302

LCO No. 5702



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING ISOLATED CONFINEMENT AND
CORRECTIONAL STAFF TRAINING AND WELLNESS.**

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

1 Section 1. (NEW) (*Effective October 1, 2017*) (a) As used in this
2 section:

3 (1) "Individual with a physical disability" means any of the
4 following:

5 (A) An individual with impaired vision who meets the definition of
6 "blind" in the Department of Correction's Administrative Directive
7 10.19, "Americans with Disabilities Act," dated August 1, 2014;

8 (B) An individual with impaired hearing who meets the definition
9 of "deaf" in the Department of Correction's Administrative Directive
10 10.19, "Americans with Disabilities Act," dated August 1, 2014; and

11 (C) An individual with severe mobility restrictions who: (i) Has
12 been prescribed a full-time wheelchair accommodation to ambulate in
13 and out of their cell or bed area; (ii) has been prescribed an intermittent

14 wheelchair accommodation to ambulate outside of such individual's
15 cell or bed area; or (iii) has been prescribed a walker, cane or other
16 assistive device, other than a wheelchair, to ambulate, and cannot walk
17 up or down stairs;

18 (2) "Isolated confinement" means confinement of an inmate in a
19 correctional facility, pursuant to punitive, investigative, administrative
20 or other classification, in a cell, alone or with other inmates, for twenty
21 or more hours per day;

22 (3) "Restraint" means any mechanical device used to control the
23 movement of an inmate's body and limbs, including, but not limited
24 to, flex cuffs, soft restraints, hard metal handcuffs, a black box, leg
25 irons, belly chains, a security chain or a convex shield;

26 (4) "Restrictive housing" means the housing of an inmate in physical
27 separation from other inmate housing, as described by the Department
28 of Correction on its Internet web site, pursuant to subsection (b) of this
29 section;

30 (5) "Serious mental illness or other significant mental impairment"
31 refers to a diagnosis by a qualified mental health professional based on
32 the most recent edition of the American Psychiatric Association's
33 "Diagnostic and Statistical Manual of Mental Disorders" with a
34 substantial disorder of thought or mood that significantly impairs
35 judgment, behavior, capacity to recognize reality or ability to cope
36 with the ordinary demands of life, including, but not limited to, the
37 following:

38 (A) (i) Schizophrenia, (ii) delusional disorder, (iii) schizophreniform
39 disorder, (iv) schizoaffective disorder, (v) brief psychotic disorder, (vi)
40 substance-induced psychotic disorder, excluding intoxication and
41 withdrawal, (vii) psychotic disorder not otherwise specified, (viii)
42 major depressive disorders, (ix) bipolar disorder I and II; and (x)
43 intellectual disability;

44 (B) Other mental disorders that are frequently characterized by
45 breaks with reality and lead to significant functional impairment;

46 (C) Other cognitive disorders, pervasive developmental disorders or
47 organic brain syndromes that result in a significant functional
48 impairment; or

49 (D) A severe personality disorder that is manifested by frequent
50 episodes of psychosis or self-injury and results in significant functional
51 impairment; and

52 (6) "Use of force" means physical contact or contact through use of
53 an armory item or canine, initiated by a staff member in response to a
54 noncompliant inmate for the purposes of establishing, maintaining or
55 restoring control, order, safety or security, but does not include routine
56 use of physical contact or the routine use of restraints.

57 (b) The Department of Correction shall publish on its Internet web
58 site the formula for calculating an inmate's mental health score and a
59 description of any form of restrictive housing used in this state's
60 correctional facilities and shall identify which, if any, of these forms of
61 restrictive housing constitute isolated confinement.

62 (c) (1) The Department of Correction shall at least annually publish
63 on its Internet web site the following aggregated and anonymized data
64 and information:

65 (A) The number of inmates in restrictive housing units in this state's
66 correctional facilities, as of the first day of each of the preceding twelve
67 months. These figures shall be sorted by the inmate's age as if the date
68 of the report; gender identity; race and ethnicity; physical disability, if
69 any; mental health score as calculated by the department, if any; and
70 the form and phase of restrictive housing and facility;

71 (B) The number of inmates currently in units of restrictive housing
72 who have spent the following cumulative durations of time in isolated

73 confinement:

74 (i) One to fifteen days;

75 (ii) Sixteen to thirty days;

76 (iii) Thirty-one to one hundred eighty days;

77 (iv) One hundred eighty-one to three hundred sixty-five days;

78 (v) Three hundred sixty-six to seven hundred thirty days;

79 (vi) Seven hundred thirty-one to one thousand ninety-five days;

80 (vii) One thousand ninety-six to one thousand four hundred sixty
81 days;

82 (viii) One thousand four hundred sixty-one to one thousand eight
83 hundred twenty-five days;

84 (ix) One thousand eight hundred twenty-six to two thousand one
85 hundred ninety days;

86 (x) Two thousand one hundred ninety-one to two thousand five
87 hundred fifty-five days;

88 (xi) Two thousand five hundred fifty-six to two thousand nine
89 hundred twenty days;

90 (xii) Two thousand nine hundred twenty-one to three thousand two
91 hundred eighty-five days;

92 (xiii) Three thousand two hundred eighty-six to three thousand six
93 hundred fifty days; and

94 (xiv) More than three thousand six hundred fifty days;

95 (C) For each correctional facility, the number of inmates who during
96 the previous calendar year have been placed in any form of restrictive

97 housing for a period of fifteen days or longer;

98 (D) For all units of restrictive housing, the incidence during each
99 month of the past calendar year in each unit of restrictive housing of
100 the following:

101 (i) Correctional facility-wide lockdowns;

102 (ii) Inmate assaults on correctional and department staff;

103 (iii) Inmate-on-inmate assaults;

104 (iv) Staff-on-inmate use of force incidents;

105 (v) The use of restraints, including, but not limited to, within a cell
106 of an acutely disruptive inmate; and

107 (vi) Inmate self-harm, suicide, attempted suicide, and emergency
108 medical or psychiatric treatment.

109 (2) In addition to reporting the aggregated data pursuant to
110 subparagraph (C) of subdivision (1) of this subsection, the department
111 shall report and disaggregate such data based on an inmate's age,
112 gender identity, ethnicity, mental health score as calculated by the
113 department, if any, and the form and phase of restrictive housing and
114 facility.

115 (d) No child, as defined in section 46b-120 of the general statutes, or
116 individual with serious mental illness or other significant mental
117 impairment or with a physical disability shall be subjected to isolated
118 confinement, except during a facility-wide lockdown or a Class 1
119 Incident as defined in the Department of Correction's Administrative
120 Directive 6.6, "Reporting of Incidents," dated July 20, 2015, the cause
121 and duration of which the department shall document on its Internet
122 web site. The department may isolate any such child or individual for
123 a period not to exceed eight consecutive hours or twenty-four hours in
124 any seven-day period (1) as a temporary, emergency response to a

125 substantiated threat of imminent physical harm to correctional staff or
126 other inmates, after which period correctional staff shall return the
127 child or individual to the general facility population, or consult with a
128 qualified mental health professional to determine whether further
129 treatment at a mental health facility is necessary; or (2) as an
130 immediate response to an inmate's request for protective segregation.

131 (e) Not later than January 1, 2018, the Commissioner of Correction
132 shall review all policies of the Department of Correction relating to any
133 child, as defined in section 46b-120 of the general statutes, individual
134 with serious mental illness and other significant mental impairment
135 and individual with a physical disability held in isolated confinement
136 and revise such policies as necessary to conform with the provisions of
137 this section and issue such directives as are necessary to implement the
138 provisions of this section.

139 (f) In the formulation of any directive issued to implement the
140 provisions of this section, the Department of Correction shall adhere to
141 the following standards, principles and requirements:

142 (1) Isolated confinement shall be used only to protect against a
143 substantiated threat of imminent physical harm to correctional staff or
144 other inmates, only for the shortest duration reasonably possible to
145 protect against such harm, and only as a last resort when less-
146 restrictive alternatives have failed;

147 (2) No inmate shall be assigned to isolated confinement for a
148 duration longer than fifteen days without a hearing at which the
149 department shall bear the burden to show by clear and convincing
150 evidence that continued isolated confinement is necessary to protect
151 against a substantiated threat of imminent physical harm to
152 correctional staff or other inmates;

153 (3) No inmate shall be assigned to isolated confinement for a
154 duration longer than thirty days without review by the commissioner
155 or the commissioner's deputy, if any;

156 (4) The housing of any inmate in isolated confinement for a duration
157 longer than thirty days shall be subject to periodic reviews not less
158 frequently than every thirty days. No inmate shall be retained in
159 isolated confinement unless the department demonstrates by clear and
160 convincing evidence that there is a continuing risk of imminent
161 physical harm to correctional officers or other inmates. Disciplinary
162 violations, alone, shall not be a basis for retention in isolated
163 confinement;

164 (5) For any inmate who has spent more than six months in isolated
165 confinement but who, based on clear and convincing evidence, cannot
166 be returned to the general correctional population without a
167 substantial probability of physical harm to correctional staff or other
168 inmates, the department shall adopt and implement reasonable
169 alternative placements that do not involve isolated confinement;

170 (6) Inmates in restrictive housing shall be provided the same access
171 to basic necessities, including, but not limited to, food, water, regular
172 showers, clothing and bedding, sanitary conditions and medical care,
173 including, but not limited to, any appropriate preventive and
174 emergency care, that are provided to inmates not in restrictive
175 housing;

176 (7) No inmate held in isolated confinement shall be simultaneously
177 denied access to social phone calls, personal visits and personal mail;

178 (8) No inmate shall be released directly from isolated confinement
179 into the community, except (A) if release is mandated by court order or
180 otherwise by law, or (B) if, under extraordinary circumstances, such
181 release is necessary for the safety of the inmate, correctional staff or
182 other inmates; and

183 (9) No inmate who returns to the custody of the department after
184 completing a prior term of imprisonment in departmental custody
185 shall be held in restrictive housing based solely on a classification
186 applied during the prior term.

187 (g) Not later than January 1, 2018, the Commissioner of Correction
188 shall review all policies of the Department of Correction relating to
189 isolated confinement and revise those policies as necessary to conform
190 to this section.

191 (h) Within available appropriations, the Department of Correction
192 shall provide training in the following subjects to employees of the
193 department who interact with inmates on a regular basis:

194 (1) The recognition of symptoms of mental illness;

195 (2) The potential risks and side effects of psychiatric medications;

196 (3) De-escalation techniques for safely managing individuals with
197 mental illness;

198 (4) Consequences of untreated mental illness;

199 (5) The long and short-term psychological effects of isolated
200 confinement; and

201 (6) De-escalation and communication techniques to divert inmates
202 from situations that may lead to the inmate being placed in isolated
203 confinement.

204 (i) Within available appropriations, the Department of Correction
205 shall take measures to promote the wellness of employees of the
206 department who interact with inmates on a regular basis. These
207 measures may include, but are not limited to:

208 (1) Employee assistance programs;

209 (2) Peer support programs; and

210 (3) Stress management training.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	New section

Statement of Purpose:

To codify procedures concerning isolated confinement, provide for greater transparency concerning isolated confinement and provide training and wellness initiatives for correctional staff.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]