



General Assembly

Substitute Bill No. 7302

January Session, 2017



**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 is blind, as defined in
6 section 46a-51 of the general statutes;

7 (B) An individual who is a deaf person, as defined in section 46a-63
8 of the general statutes; and

9 (C) An individual with severe mobility restrictions who: (i) Has
10 been prescribed a full-time wheelchair accommodation to ambulate in
11 and out of their cell or bed area; (ii) has been prescribed an intermittent
12 wheelchair accommodation to ambulate outside of such individual's
13 cell or bed area; or (iii) has been prescribed a walker, cane or other
14 assistive device, other than a wheelchair, to ambulate, and cannot walk
15 up or down stairs;

16 (2) "Intellectual disability" means intellectual disability, as defined

17 in section 1-1g of the general statutes;

18 (3) "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 (4) "Other significant mental impairment" means any disorder, other
23 than serious mental illness, including, but not limited to, any of the
24 following:

25 (A) Mental disorder that is frequently characterized by breaks with
26 reality and leads to significant functional impairment;

27 (B) Cognitive disorder, pervasive developmental disorder or
28 organic brain syndrome that results in a significant functional
29 impairment; and

30 (C) Severe personality disorder that is manifested by frequent
31 episodes of psychosis or self-injury and results in significant functional
32 impairment;

33 (5) "Prolonged isolated confinement" means any period of isolated
34 confinement in excess of fifteen days;

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

39 (7) "Restrictive housing" means the housing of an inmate that is
40 physically separated from other inmate housing, and as described by
41 the Department of Correction on its Internet web site, pursuant to
42 subsection (b) of this section;

43 (8) "Serious mental illness" means a diagnosis by a qualified mental
44 health professional based on the most recent edition of the American

45 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
46 Disorders" with a substantial disorder of thought or mood that
47 significantly impairs judgment, behavior, capacity to recognize reality
48 or ability to cope with the ordinary demands of life, including, but not
49 limited to, the following: (A) Schizophrenia; (B) delusional disorder;
50 (C) schizophreniform disorder; (D) schizoaffective disorder; (E) brief
51 psychotic disorder; (F) substance-induced psychotic disorder,
52 excluding intoxication and withdrawal; (G) psychotic disorder not
53 otherwise specified; (H) major depressive disorders; and (I) bipolar
54 disorder I and II; and

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

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

65 (c) (1) The Department of Correction shall at least annually submit
66 to the Criminal Justice Policy and Planning Division established under
67 section 4-68m of the general statutes the following aggregated and
68 anonymized data and information:

69 (A) The number of inmates in restrictive housing units in
70 correctional facilities, as of the first day of each of the preceding twelve
71 months;

72 (B) The number of inmates currently in units of restrictive housing
73 who have spent the following cumulative durations of time in isolated
74 confinement or prolonged isolated confinement:

75 (i) One to fifteen days;

- 76 (ii) Sixteen to thirty days;
- 77 (iii) Thirty-one to one hundred eighty days;
- 78 (iv) One hundred eighty-one to three hundred sixty-five days;
- 79 (v) Three hundred sixty-six to seven hundred thirty days;
- 80 (vi) Seven hundred thirty-one to one thousand ninety-five days;
- 81 (vii) One thousand ninety-six to one thousand four hundred sixty
82 days;
- 83 (viii) One thousand four hundred sixty-one to one thousand eight
84 hundred twenty-five days;
- 85 (ix) One thousand eight hundred twenty-six to two thousand one
86 hundred ninety days;
- 87 (x) Two thousand one hundred ninety-one to two thousand five
88 hundred fifty-five days;
- 89 (xi) Two thousand five hundred fifty-six to two thousand nine
90 hundred twenty days;
- 91 (xii) Two thousand nine hundred twenty-one to three thousand two
92 hundred eighty-five days;
- 93 (xiii) Three thousand two hundred eighty-six to three thousand six
94 hundred fifty days; and
- 95 (xiv) More than three thousand six hundred fifty days;
- 96 (C) For each correctional facility, the number of inmates who during
97 the previous calendar year have spent more than fifteen days,
98 cumulative, in isolated confinement or prolonged isolated
99 confinement;
- 100 (D) For each unit of restrictive housing, the incidence during each

101 month of the past calendar year in each unit of restrictive housing of
102 the following:

103 (i) Correctional facility-wide lockdowns;

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

105 (iii) Inmate-on-inmate assaults;

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

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

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

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

117 (d) No child, as defined in section 46b-120 of the general statutes,
118 individual with a serious mental illness, an intellectual disability or
119 other significant mental impairment or individual with a physical
120 disability shall be subjected to isolated confinement, except (1) during
121 a facility-wide lockdown or a Class 1 Incident as defined in the
122 Department of Correction's Administrative Directive 6.6, "Reporting of
123 Incidents," dated July 20, 2015; or (2) as a temporary, emergency
124 response to a substantiated threat of imminent physical harm to
125 correctional staff or other inmates, after which period correctional staff
126 shall return the child or individual to the general facility population, or
127 consult with a qualified mental health professional to determine
128 whether further treatment at a mental health facility is necessary. The
129 department shall document on its Internet web site the cause and

130 duration of any use of isolated confinement pursuant to this
131 subsection. The department may isolate any such child or individual
132 for a period not to exceed eight consecutive hours or twenty-four
133 hours in any seven-day period as an immediate response to an
134 inmate's request for protective segregation.

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

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

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

151 (2) No inmate shall be assigned to prolonged isolated confinement
152 without a hearing at which the department shall bear the burden to
153 show by clear and convincing evidence that continued isolated
154 confinement is necessary to protect against a substantiated threat of
155 imminent physical harm to correctional staff or other inmates;

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

159 (4) The housing of any inmate in prolonged isolated confinement for
160 a duration longer than thirty days shall be subject to periodic reviews

161 not less frequently than every thirty days. No inmate shall be retained
162 in prolonged isolated confinement unless the department
163 demonstrates by clear and convincing evidence that there is a
164 continuing risk of imminent physical harm to correctional officers or
165 other inmates. Disciplinary violations, alone, shall not be a basis for
166 retention in isolated confinement;

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

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

178 (7) No inmate held in isolated confinement shall be simultaneously
179 denied access to social telephone calls, personal visits and personal
180 mail;

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

186 (9) No inmate who returns to the custody of the department after
187 completing a prior term of imprisonment in departmental custody
188 shall be held in restrictive housing based solely on a classification
189 applied during such inmate's prior term of imprisonment.

190 (g) Not later than January 1, 2018, the Commissioner of Correction
191 shall review all policies of the Department of Correction relating to

192 isolated confinement and revise those policies as necessary to conform
193 to this section.

194 (h) The provisions of subsections (a) to (g), inclusive, of this section,
195 do not apply to any inmate described in subsection (a) of section 18-
196 10b of the general statutes.

197 (i) Within available appropriations, the Department of Correction
198 shall provide training in the following subjects to employees of the
199 department who interact with inmates on a regular basis:

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

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

202 (3) De-escalation techniques for safely managing individuals with
203 mental illness;

204 (4) Consequences of untreated mental illness;

205 (5) The long and short-term psychological effects of isolated
206 confinement; and

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

210 Sec. 2. (NEW) (*Effective October 1, 2018*) Within available
211 appropriations, the Department of Correction shall take measures to
212 promote the wellness of employees of the department who interact
213 with inmates on a regular basis. These measures may include, but need
214 not limited to:

215 (1) Employee assistance programs;

216 (2) Peer support programs; and

217 (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
Sec. 2	<i>October 1, 2018</i>	New section

Statement of Legislative Commissioners:

In Section 1(c)(1)(A), the last sentence was deleted as it was redundant with Section 1(c)(2). In Section 1(d) the language in Subdiv. (3) was moved to the last sentence for accuracy. Section 1(j) was redesignated as Section 2 for clarity.

JUD *Joint Favorable Subst.*