



General Assembly

Substitute Bill No. 13

February Session, 2018



AN ACT CONCERNING FAIR TREATMENT OF INCARCERATED WOMEN.

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

1 Section 1. (NEW) (*Effective October 1, 2018*) (a) The Commissioner of
2 Correction shall ensure that at least one departmental or contracted,
3 licensed health care provider who is employed at the York
4 Correctional Institution (1) has been trained in prenatal and
5 postpartum medical care, and (2) has knowledge of and the ability to
6 educate any inmate who is pregnant concerning prenatal nutrition,
7 high-risk pregnancy and addiction and substance abuse during
8 pregnancy and childbirth.

9 (b) Upon admission to the York Correctional Institution, while
10 awaiting trial or after sentencing, each inmate shall be assessed for
11 pregnancy by a licensed health care provider. The licensed health care
12 provider shall inform the inmate of any necessary medical tests
13 associated with the pregnancy assessment prior to the administration
14 of such tests.

15 (c) The York Correctional Institution shall provide each inmate who
16 is pregnant with: (1) Counseling and written material, in a form that
17 may be reasonably understood, concerning (A) the inmate's options
18 with regard to her pregnancy, (B) prenatal nutrition, (C) maintaining a

19 healthy pregnancy, (D) labor and delivery, (E) the postpartum period,
20 and (F) the institution's policies and practices regarding the care of an
21 inmate who is pregnant throughout her pregnancy, during labor and
22 delivery and during the postpartum period, (2) medical care at the
23 correctional facility, which shall include, but not be limited to: (A)
24 Periodic health monitoring and evaluation during pregnancy, and (B)
25 prenatal vitamins or supplements, as deemed necessary by a licensed
26 health care provider, (3) a diet containing the nutrients necessary to
27 maintain a healthy pregnancy, as determined by a licensed health care
28 provider trained in prenatal care, (4) the clothing, undergarments and
29 sanitary materials deemed appropriate by a licensed health care
30 provider who has been trained in prenatal and postpartum medical
31 care, (5) the opportunity for a minimum of one hour of ambulatory
32 movement every day, and (6) access to treatment for postpartum
33 depression by a qualified mental health professional, provided such
34 treatment is deemed necessary by a licensed health care provider who
35 has been trained in postpartum medical care. If a departmental or
36 contracted licensed health care provider in prenatal medical care, or
37 any other health care professional who evaluates or treats an inmate
38 who is pregnant, determines that the inmate's pregnancy is high risk or
39 involves any other medical complication for either the inmate or the
40 baby, such inmate shall be immediately transferred to the medical
41 infirmary setting or any hospital deemed appropriate, as determined
42 by such health care provider or professional.

43 (d) Except as provided in this subsection, correctional staff of the
44 York Correctional Institution shall not use any leg or waist restraint on
45 any inmate of the institution who has been determined to be pregnant
46 or in the postpartum period by a licensed health care provider. The
47 correctional staff of the York Correctional Institution shall ensure that
48 any inmate, who is determined to be in the second or third trimester of
49 a pregnancy by a licensed health care provider, is transported to and
50 from visits to health care providers and court proceedings in a vehicle
51 with seatbelts. A pregnant inmate may only be restrained using
52 handcuffs that are placed on the wrists held in front of the inmate's

53 body unless there are compelling grounds to believe that an inmate
54 presents (1) an immediate and serious threat of harm to herself, staff
55 and others; or (2) a substantial flight risk and cannot be reasonably
56 contained by other means, in which case an inmate may be placed in
57 wrist, leg or waist restraints. Such restraints shall be the least
58 restrictive kind of restraints considering the circumstances.
59 Correctional staff shall document, in writing, the reasons for such
60 determination, the kind of restraints used and the reasons staff
61 considered such restraints to be the least restrictive kind available and
62 the most reasonable means of preventing harm or escape. If an
63 attending physician or advanced practice registered nurse requests
64 that the inmate's restraints be removed for medical reasons,
65 correctional staff shall immediately remove the restraints. Nothing in
66 this subsection shall prohibit the use of medical restraints by a licensed
67 health care provider to ensure the medical safety of the inmate. As
68 used in subsections (d) and (e) of this section, "restraints" means metal
69 handcuffs, metal leg restraints and waist and tether chains.

70 (e) Each pregnant inmate of the York Correctional Institution shall
71 receive labor and delivery services in a hospital deemed appropriate
72 by a departmental or contracted, licensed health care provider.
73 Notwithstanding the provisions of subsection (d) of this section, an
74 inmate who is in any stage of labor or delivery, as determined by a
75 licensed health care provider, shall not be placed in restraints at any
76 time, including, but not limited to, during transportation to the
77 hospital. If a correction officer is present with the inmate during any
78 stage of labor or delivery, such correction officer shall be female, if
79 possible. Such correction officer shall be positioned in a location that
80 ensures the inmate's privacy, to the extent possible.

81 (f) Any inmate in the postpartum period shall be assessed by a
82 licensed health care provider upon return to the correctional facility.
83 Each inmate in the postpartum period shall be housed in a medical or
84 mental health housing unit at the correctional facility until discharged
85 by a licensed health care provider.

86 (g) The York Correctional Institution shall provide a pregnant
87 inmate, prior to the inmate's release, with counseling and discharge
88 planning to ensure, to the extent feasible, the continuity of prenatal
89 and pregnancy-related care, including substance abuse programs and
90 treatment referrals when deemed appropriate.

91 Sec. 2. (NEW) (*Effective October 1, 2018*) (a) The Department of
92 Correction shall establish prenatal, labor, and postpartum services and
93 supports for women incarcerated at the York Correctional Institution.
94 Such services and supports shall include, but need not be limited to, a
95 lactation policy that provides inmate mothers the opportunity to pump
96 and store breast milk for their babies and a neonatal intensive care unit
97 visiting policy that makes reasonably regular visits available to inmate
98 mothers whose babies require specialized care after birth.

99 (b) The Department of Correction shall establish and make available
100 to women incarcerated at the York Correctional Institution parenting
101 support literature, including information on child custody processes,
102 child support and family reunification resources.

103 Sec. 3. (NEW) (*Effective October 1, 2018*) Correctional staff at York
104 Correctional Institution shall, upon request, provide an inmate at the
105 institution with feminine hygiene products as soon as practicable.
106 Correctional staff shall provide such feminine hygiene products for
107 free and in a quantity that is appropriate to the health care needs of the
108 inmate. For purposes of this section, "feminine hygiene products"
109 means tampons and sanitary napkins.

110 Sec. 4. (NEW) (*Effective October 1, 2018*) The Commissioner of
111 Correction shall establish visitation policies for any inmate who is a
112 parent to a child under the age of eighteen. Such policies shall include,
113 but need not be limited to, rules regarding: (1) Physical contact, (2)
114 convenience and frequency of visits, and (3) access to child-friendly
115 visiting areas.

116 Sec. 5. (NEW) (*Effective October 1, 2018*) All inmates shall be

117 permitted to shower, perform bodily functions and change clothes
118 without nonmedical staff of the opposite gender viewing their breasts,
119 buttocks or genitalia, except in exigent circumstances or when such
120 viewing is incidental to a routine cell check. Staff of the opposite
121 gender shall announce their presence when entering an inmate
122 housing unit when no other staff of the opposite gender is present.

123 Sec. 6. Section 18-81z of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2018*):

125 The Department of Correction, the Board of Pardons and Paroles
126 and the Court Support Services Division of the Judicial Branch shall
127 develop a risk assessment strategy for offenders committed to the
128 custody of the Commissioner of Correction that will (1) utilize a risk
129 assessment tool that accurately rates an offender's likelihood to
130 recidivate upon release from custody, and (2) identify the support
131 programs that will best position the offender for successful reentry into
132 the community. Such strategy shall incorporate use of both static and
133 dynamic factors and utilize a gender-responsive approach that
134 recognizes the unique risks and needs of female offenders. In the
135 development of such risk assessment strategy, the department, board
136 and division may partner with an educational institution [in this state]
137 that has expertise in criminal justice and psychiatry to evaluate risk
138 assessment tools and customize a risk assessment tool to best meet the
139 state's needs. On or before January 1, 2009, and annually thereafter, the
140 department, board and division shall report to the Governor and the
141 joint standing committee of the General Assembly on judiciary, in
142 accordance with section 11-4a, on the development, implementation
143 and effectiveness of such strategy.

144 Sec. 7. Subsection (b) of section 18-96a of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective*
146 *October 1, 2018*):

147 (b) (1) The Department of Correction [shall, within available
148 appropriations,] may develop a program for custodial staff members

149 to receive not less than four hours and not more than eight hours of
150 training on mental health issues each year. [Such training shall consist
151 of classroom instruction and written materials provided by a qualified
152 mental health professional in conjunction with a training academy
153 accredited by the American Correctional Association, and] Within
154 available appropriations, such training shall include, at a minimum:
155 (A) Prevention of suicide and self-injury; (B) recognition of signs of
156 mental illness; (C) communication skills for interacting with inmates
157 with mental illness; and (D) alternatives to disciplinary action and the
158 use of force when dealing with inmates with mental illness. Such
159 program shall be offered: (i) Commencing on July 1, 2009, to all
160 custodial staff members at one or more correctional facilities
161 designated by the Commissioner of Correction; (ii) on and after July 1,
162 2010, to all custodial staff members at one or more additional
163 correctional facilities designated by the commissioner; and (iii) on and
164 after July 1, 2011, to all custodial staff members at one or more
165 additional correctional facilities designated by the commissioner. [Such
166 program shall terminate on July 1, 2012.]

167 (2) [In] On and after October 1, 2018, in addition to the requirements
168 of subdivision (1) of this subsection, all custodial staff members at each
169 correctional facility of the Department of Correction in which female
170 inmates are confined [may, during the fiscal year ending June 30, 2008,
171 and] may, within available appropriations, receive not less than four
172 hours and not more than eight hours of training on [mental health
173 issues, including] gender-specific and trauma-related mental health
174 issues faced by female inmates.

175 Sec. 8. (NEW) (*Effective July 1, 2018*) On or before October 1, 2018,
176 the Department of Correction shall develop and implement a policy
177 regarding the safety and protection of transgender inmates. Such
178 policy shall comply with the federal Prison Rape Elimination Act of
179 2003, 34 USC 30301, et seq., as amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>October 1, 2018</i>	New section
Sec. 3	<i>October 1, 2018</i>	New section
Sec. 4	<i>October 1, 2018</i>	New section
Sec. 5	<i>October 1, 2018</i>	New section
Sec. 6	<i>October 1, 2018</i>	18-81z
Sec. 7	<i>October 1, 2018</i>	18-96a(b)
Sec. 8	<i>July 1, 2018</i>	New section

Statement of Legislative Commissioners:

In Section 1(a), "licensed departmental or contracted health care provider" was changed to " departmental or contracted, licensed health care provider" for consistency with other provisions of the bill. In Section 8, the effective date has been changed from "October 1, 2018" to "July 1, 2018" to permit development and implementation of the policy described in said section, and "2108" was changed to "2018" for accuracy.

JUD *Joint Favorable Subst.*