



Senate

General Assembly

File No. 806

January Session, 2019

Senate Bill No. 1109

Senate, April 25, 2019

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SOLITARY CONFINEMENT.

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

1 Section 1. Section 18-96b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) As used in this section:

4 (1) "Administrative segregation status" means the Department of
5 Correction's practice of placing an inmate on restrictive housing status
6 following a determination that such inmate can no longer be safely
7 managed within the general inmate population of the correctional
8 facility; and

9 (2) "Restrictive housing status" means the designation of an inmate
10 by the Department of Correction that provides for closely regulated
11 management and separation of such inmate from other inmates.

12 (b) The Department of Correction shall publish on its Internet web

13 site the formula for calculating an inmate's mental health score and a
14 description of any form and phase of housing employed at any of its
15 correctional facilities for inmates on restrictive housing status.

16 (c) The Department of Correction shall [at least annually] not later
17 than November 1, 2019, submit to the Criminal Justice Policy and
18 Planning Division established under section 4-68m a report containing
19 as aggregated and anonymized the following data for the period of
20 time since the department last reported under this subsection:

21 (1) The number of inmates on restrictive housing status in this
22 state's correctional facilities, as of the first day of each of the [twelve]
23 months [preceding the date of the submission of] covered by the
24 report. The department shall report and disaggregate such data based
25 on an inmate's age, gender identity, ethnicity, mental health score as
26 calculated by the department, if any, and the form and phase of
27 housing in which such inmate is held on restrictive housing status;

28 (2) The number of inmates on administrative segregation status who
29 have spent the following cumulative durations of time on
30 administrative segregation status:

31 (A) One to fifteen days;

32 (B) Sixteen to thirty days;

33 (C) Thirty-one to one hundred eighty days;

34 (D) One hundred eighty-one to three hundred sixty-five days;

35 (E) Three hundred sixty-six to seven hundred thirty days;

36 (F) Seven hundred thirty-one to one thousand ninety-five days;

37 (G) One thousand ninety-six to one thousand four hundred sixty
38 days;

39 (H) One thousand four hundred sixty-one to one thousand eight
40 hundred twenty-five days;

41 (I) One thousand eight hundred twenty-six to two thousand one
42 hundred ninety days;

43 (J) Two thousand one hundred ninety-one to two thousand five
44 hundred fifty-five days;

45 (K) Two thousand five hundred fifty-six to two thousand nine
46 hundred twenty days;

47 (L) Two thousand nine hundred twenty-one to three thousand two
48 hundred eighty-five days;

49 (M) Three thousand two hundred eighty-six to three thousand six
50 hundred fifty days; and

51 (N) More than three thousand six hundred fifty days;

52 (3) For each correctional facility, the number of inmates who, during
53 the [twelve months preceding the date of the submission of] period of
54 time covered by the report, spent more than fifteen days, cumulative,
55 on administrative segregation status. The department shall report and
56 disaggregate such data based on an inmate's age, gender identity,
57 ethnicity, mental health score as calculated by the department, if any,
58 and the form and phase of restricted housing in which such inmate is
59 held; and

60 (4) Actions taken by the department during the [twelve months
61 preceding the date of the submission of] period of time covered by the
62 report to minimize reliance on administrative segregation status and to
63 mitigate the harmful effects of administrative segregation status on
64 inmates, staff and the public.

65 (d) [The] On and after October 1, 2019, the department shall not
66 hold any person [under eighteen years of age] on administrative
67 segregation status or restrictive housing status.

68 [(e) Not later than January 1, 2019, the Commissioner of Correction
69 shall study and submit a report, in accordance with the provisions of

70 section 11-4a, to the joint standing committee of the General Assembly
71 having cognizance of matters relating to the judiciary regarding the
72 use and oversight of all forms and phases of housing for inmates on
73 restrictive housing status.]

74 [(f)] (e) The provisions of subsections (a) to (d), inclusive, of this
75 section do not apply to any inmate described in subsection (a) of
76 section 18-10b.

77 [(g)] (f) Within available appropriations, the Department of
78 Correction shall provide training to employees of the department who
79 interact with inmates concerning the following:

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

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

82 (3) De-escalation techniques for safely managing individuals with
83 mental illness;

84 (4) Consequences of untreated mental illness;

85 (5) The long and short-term psychological effects of being on
86 administrative segregation status; and

87 (6) De-escalation and communication techniques to divert inmates
88 from situations that may lead to the inmate being placed on
89 administrative segregation status.

90 [(h)] (g) Within available appropriations, the Department of
91 Correction shall take measures to promote the wellness of employees
92 of the department who interact with inmates. These measures may
93 include, but need not be limited to:

94 (1) Employee assistance programs;

95 (2) Peer support programs; and

96 (3) Stress management training.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	18-96b

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:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.	GF - Cost	5.4 to 10.8 million	5.7 to 11.4 million
State Comptroller - Fringe Benefits ¹	GF - Cost	2.2 to 4.5 million	2.3 to 4.7 million

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits the Department of Correction (DOC) from holding any inmate in administrative segregation or restrictive housing and results in a cost to the state of \$7.6 - \$15.3 million in FY 20 and \$8.0 - \$16.1 million in FY 21. The department would need approximately five to 10 new posts per facility (120 to 240 new Correctional Officers) to carry out the requirements of the bill. The number of posts depends on the frequency of incidents at each facility and the procedures and policies the DOC institutes to deal with these incidents without using segregation or restrictive housing.

There are approximately 630 inmates in segregation or restrictive housing across 14 facilities. The DOC will now be required to personally monitor any inmates that would have been put into restrictive housing. For example, McDougall Walker Correctional Institution averages 150 inmate related incidents per month of which

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

the majority would be put in restrictive housing.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 1109*****AN ACT CONCERNING SOLITARY CONFINEMENT.*****SUMMARY**

This bill prohibits the Department of Correction (DOC) from holding any person in administrative segregation status or restricted housing status. Current law prohibits administrative segregation for people under age 18.

The bill also eliminates a requirement that DOC annually submit certain data on the use of administrative segregation and restrictive housing status in the state's correctional facilities to the Criminal Justice Policy and Planning Division. Under the bill, DOC must submit its final report by November 1, 2019, and include data for the period since the prior report to the division.

Lastly, the bill repeals a provision that required the DOC commissioner to report to the Judiciary Committee by January 1, 2019, on the housing for inmates on restrictive housing status.

EFFECTIVE DATE: October 1, 2019

BACKGROUND***Administrative Segregation and Restrictive Housing Status***

By law, "administrative segregation status" is DOC's practice of placing an inmate on restrictive housing status following a determination that he or she can no longer be safely managed in the general inmate population.

"Restrictive housing status" is DOC's inmate designation that provides for closely managing and separating the inmate from other inmates (CGS § 18-96b(a)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 32 Nay 8 (04/09/2019)