
OLR Bill Analysis

sHB 6463

AN ACT CONCERNING THE DEPARTMENT OF CORRECTION, A REENTRY EMPLOYMENT ADVISORY COMMITTEE, PUBLIC SAFETY COMMITTEES IN MUNICIPALITIES WHERE A CORRECTIONAL FACILITY IS LOCATED, THE DISCLOSURE OF RECORDS, THE PROTECTION OF PERSONAL DATA RELATING TO AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION AND THE PROVISION OF DEBIT CARDS TO INCARCERATED PERSONS AT THE TIME OF RELEASE.

SUMMARY

This bill makes various changes to laws governing the Department of Correction (DOC) and related matters.

It codifies current practice by allowing the DOC commissioner to designate a deputy warden to serve as director of reentry services.

It establishes a reentry employment advisory committee to advise the DOC commissioner on aligning the department's education and job training programs with the needs of community employers.

The bill repeals the requirement for DOC to establish public safety or advisory committees in municipalities with correctional facilities, and instead allows these municipalities to establish public safety committees. It generally consolidates the current committees' responsibilities and reporting requirements into the municipally-created committees and makes related changes.

The bill specifies that, for purposes of the state's Data Privacy Act, "personal data" must not be construed to make available certain records concerning DOC facilities or Whiting Forensic Hospital that are exempt from disclosure under the Freedom of Information Act (FOIA). These records include security manuals, staff assignment logs, and various other security-related matters (see BACKGROUND). The Data Privacy Act, which applies to certain government agencies,

establishes various requirements and procedures on the safeguarding of personal data.

The bill adds DOC to the list of entities to whom the Department of Children and Families (DCF), under certain circumstances, must disclose its records without the subject's consent. Under the bill, DCF must provide records to DOC for the purpose of providing appropriate supervision and treatment services to children and youth and determining their needs in doing so.

The bill allows, rather than requires, the DOC commissioner to adopt regulations on the department's lost property board. This board hears claims from inmates seeking compensation (up to \$3,500) for lost or damaged personal property.

Additionally, the bill requires DOC to provide inmates, upon their release, with debit cards for any compensation they earned performing certain jobs. Under current practice, DOC provides them with checks. By law, various obligations (e.g., taxes or court-ordered victim restitution) must be paid from an inmate's account before the inmate receives this compensation upon release.

EFFECTIVE DATE: October 1, 2021, except upon passage for the director of reentry services and lost property board provisions; July 1, 2021, for the reentry employment advisory committee provisions; and January 1, 2022, for the debit card provisions.

§ 2 — REENTRY EMPLOYMENT ADVISORY COMMITTEE

The bill establishes a reentry employment advisory committee to advise the DOC commissioner on aligning the department's education and job training programs with the needs of employers in the community. This must include:

1. the vocational education curricula used by DOC's Unified School District #1,
2. the types of licenses and certifications that employers seek in job applicants,

3. the availability of apprenticeships for incarcerated and formerly incarcerated individuals in the community, and
4. the types of products and services that correctional institution industries (i.e., Correctional Enterprises of Connecticut) should offer.

Under the bill, the reentry employment advisory committee includes the DOC commissioner or his designee, the superintendent of Unified School District #1, and DOC's superintendent of institution industries. The committee also includes at least six members appointed by the DOC commissioner, one representing each of the following:

1. an association representing in-state businesses and industries,
2. an association representing in-state construction industries,
3. the state affiliate of a national organization representing human resource professionals,
4. a state council of building and construction trades,
5. the Governor's Workforce Council established by executive order, and
6. a regional workforce development board.

Additionally, the bill allows the DOC commissioner to appoint up to three additional members who represent businesses or business associations.

The bill requires the DOC commissioner to appoint a chairperson from among the committee's members. The committee must meet at least twice per year, and at other times as the committee deems necessary.

§§ 3 & 8 — MUNICIPAL PUBLIC SAFETY COMMITTEES

Under current law, DOC must establish public safety committees, composed of the warden and representatives appointed by the local

chief elected official, in each municipality with a correctional facility. Current law also requires DOC to establish advisory committees in municipalities with a correctional facility that do not have a public safety committee as required. These advisory committees consist of the facility warden and five members, meeting certain qualifications, who are appointed jointly by the legislators who represent the municipality.

The bill removes the requirement for DOC to establish these committees, and instead authorizes municipalities with correctional facilities to establish public safety committees. Under the bill, each committee includes the facility warden, or his or her designee, and representatives appointed by the municipal chief elected official.

The bill requires these committees to meet at least annually, and more often as they deem necessary, to review correctional safety and security issues and offender reentry efforts affecting the municipality. The facility warden must attend at least one meeting each year.

By contrast, under current law, the public safety or advisory committees are required to meet at least quarterly. The former must review correctional safety and security issues; the latter must discuss inmate population demographics, DOC policies and practices, facility programming, and reentry initiatives.

The bill requires the municipally-created public safety committees to report annually, by November 1, on their concerns and recommendations to the chairpersons and ranking members of the Public Safety and Judiciary committees. Under current law, the DOC-created public safety committees must annually report to these legislators from the Public Safety Committee, while the DOC-created advisory committees must annually report to the Judiciary Committee.

BACKGROUND

FOIA Exemption for DOC and Whiting Forensic Hospital Security Records

By law, the DOC commissioner may withhold from disclosure under FOIA certain records pertaining to correctional institutions or facilities under DOC supervision. He may withhold these records if he

has reasonable grounds to believe they could pose a safety risk, including harm to anyone or the risk of an escape from, or disorder in, any such facility. This same authority applies to the Department of Mental Health and Addiction Services commissioner as to Whiting Forensic Hospital.

These provisions apply to, at a minimum, the following records:

1. security manuals, including emergency plans they contain or reference;
2. engineering and architectural drawings;
3. security systems' operational specifications (except a general description and the cost and quality of such a system);
4. training manuals that describe security procedures, emergency plans, or security equipment;
5. internal security audits;
6. staff meeting minutes or recordings, or any portions of them, that contain or reveal information relating to security or otherwise exempt records;
7. logs or other documents with information on the movement or assignment of inmates or staff; and
8. records with information on contacts between inmates and law enforcement officers (CGS § 1-210(b)(18)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (04/05/2021)