

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 21-110—sSB 1059 (VETOED)**

*Judiciary Committee*

*Appropriations Committee*

**AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, THE USE OF ISOLATED CONFINEMENT, SECLUSION AND RESTRAINTS, SOCIAL CONTACTS FOR INCARCERATED PERSONS AND TRAINING AND WORKERS' COMPENSATION BENEFITS FOR CORRECTION**

**SUMMARY:** This act would have made numerous changes to laws related to the Department of Correction (DOC). Specifically, it would have:

1. expanded the current correction ombuds program to cover everyone in DOC custody, provide additional services, and grant additional powers, including (a) receiving complaints from individuals in DOC custody, (b) evaluating service delivery to incarcerated individuals, and (c) providing assistance on the incarcerated person's behalf;
2. relocated the correction ombuds program from DOC to the Office of Governmental Accountability (OGA) and provided that the ombuds act independently of any department in performing its duties;
3. generally required that each incarcerated person have the opportunity to be outside his or her cell for at least 6.5 hours a day;
4. limited the instances of, and placed new requirements on, the use of isolated confinement, seclusion, or restraints;
5. established certain visitation rights for incarcerated individuals, including generally allowing at least one 60-minute contact social visit and prohibiting the taking away of an incarcerated person's ability to write, send, or receive letters as discipline, retaliation, or for convenience;
6. allowed DOC to develop and report to the Judiciary Committee, a plan for incarcerated individuals on restrictive housing status to be outside for at least 6.5 hours a day and required DOC to report to the Judiciary Committee on the plan it develops; and
7. required DOC to develop written procedures for conducting hearings for depriving an incarcerated person of social contact visits.

**EFFECTIVE DATE:** October 1, 2021, except (1) July 1, 2022 for the provision on isolated confinement, restraints, and seclusion, and (2) upon passage for the provision on DOC developing and reporting a plan and written procedures.

**§ 1 — CORRECTION OMBUDS**

The act would have expanded the existing correction ombuds program to include (1) everyone in DOC custody, rather than just those under age 18, and (2) additional services.

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Under the act, the correction ombuds office would have moved from DOC to OGA. As under existing law, the person seeking ombuds services would have had to reasonably pursue a resolution of the complaint through any existing internal DOC grievance appeals procedure.

### *Appointment*

The act would have required the governor to nominate a person qualified by training and experience to perform and lead the correction ombuds office by October 1, 2021, and any time the position is vacant. The act would have eliminated the requirement that the DOC commissioner hire a person to provide ombudsman services and annually report that person's name to the Judiciary Committee. It also would have eliminated the ombudsman's ability to hire an executive assistant.

### *Legislative Confirmation*

Under the act, any gubernatorial nomination for correction ombuds appointment would have been required to be referred, without debate, to the Judiciary Committee, which would report on each appointment within 30 days after that. The act would have required each General Assembly appointment to be by concurrent resolution in each chamber.

Upon any vacancy, if the General Assembly was not in session, the candidate the governor chose to serve as acting correction ombuds would have been entitled to the compensation, privileges, and powers of the ombuds until the General Assembly met to act on the appointment. The person appointed as correction ombuds would have been required to serve for an initial two-year term and could serve until a successor was appointed and confirmed and be reappointed for succeeding terms.

### *Independence and Authority to Hire Staff*

In performing the office's duties, the correction ombuds would have had to act independently of any department regardless of state law. The correction ombuds could have, within available funds and as deemed necessary, appointed staff whose duties could include the correction ombuds' duties and powers if performed under his or her direction.

### *Appropriations and Report*

The act would have required the General Assembly to annually appropriate the amount needed to pay staff salaries and office expenses and other actual expenses the ombuds incurred in performing his or her duties. Any legal or court fees the state obtained in actions the ombuds brought would be deposited in the General Fund.

Under the act, the correction ombuds would have been required to annually

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submit a detailed report analyzing the office's work to the governor and the Human Services, Judiciary, and Public Health committees.

### *"Ombuds" Services*

The act would have renamed existing law's "ombudsman services" as "ombuds services" and expanded the services to include:

1. evaluating services for incarcerated individuals by DOC, its contractors, and other entities that provide services to people detained in state-funded correctional institutions or halfway houses;
2. periodically reviewing, with a view toward incarcerated individuals' rights, DOC procedures established to carry out correctional institution and DOC laws;
3. reviewing the procedures and operation of facilities that house people in DOC custody;
4. helping, including advocating with DOC, service providers, or others on an incarcerated person's behalf; and
5. taking all possible actions, including conducting public education programs, legislative advocacy, and making proposals for systemic reform and formal legal action, to secure and ensure the rights of individuals in DOC custody.

As under current law, but extended to everyone in DOC custody, the services would have also included:

1. receiving complaints from individuals in DOC custody regarding department decisions, actions, omissions, policies, procedures, rules, or regulations;
2. investigating these complaints and rendering a decision on their merits and communicating the decision to the complainant;
3. recommending to the DOC commissioner a resolution of any complaint found to have merit; and
4. publishing a report of all ombuds services and activities.

The act also would have decreased the frequency of this report by requiring it semiannually rather than quarterly.

### *Confidentiality and Exceptions*

Under the act, in performing his or her responsibilities, the ombuds would have been allowed to communicate privately with any person in DOC custody and these communications would be confidential under certain circumstances.

Under existing law, confidentiality provisions protect communication between the correction ombudsman and someone age 18 or younger who is in DOC custody. The act would have extended these protections to everyone in DOC custody, with certain exceptions. Under the act, all oral and written communications and related records between an individual in custody and the correction ombuds, or a member of the ombuds' staff, would generally have been confidential and could not be disclosed without the individual's consent.

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However, the ombuds would have been able to disclose, without the individual's consent, communications and related records (e.g., the identity of a complainant, the details of a complaint, and the ombudsman's investigative findings and conclusions) that were necessary (1) for the ombuds to conduct an investigation and (2) to support the ombuds' recommendations. The ombuds would have been able to also disclose, without the individual's consent, a complaint's formal disposition when requested in writing by a court that is hearing an application for a writ of habeas corpus filed after the ombuds' adverse finding on the complaint.

Regardless of any provision of state law concerning confidentiality of records and information, the ombuds would have had access to, including the right to inspect and copy, any records needed to carry out his or her responsibilities. If the ombuds were denied access to any of these records, he or she would have had the authority to issue a subpoena for them (see below).

Under the act, a complainant's name, address, and other personally identifiable information and all information or confidential records the ombuds obtained or generated when investigating would have been generally confidential and not subject to Freedom of Information Act disclosure. However, the information and records, other than confidential information concerning a pending law enforcement investigation or a pending prosecution, could have been disclosed if the ombuds determined that it was in the general public interest or needed for the ombuds to perform his or her responsibilities. A determination not to disclose information could be appealed under the Uniform Administrative Procedure Act.

### *Disclosure of Criminal Acts or Threats to Health and Safety*

Regardless of the confidentiality provisions, the act would have required the ombuds to notify the DOC commissioner or a facility administrator when, in the course of providing ombuds services, the ombuds or a member of the ombuds' staff became aware of (1) the commission or planned commission of a criminal act or (2) a threat to anyone's health and safety or a correctional facility's security. If the commissioner reasonably believed that an individual in DOC custody had made or given to the ombuds an oral or written communication about a safety or security threat within the department or directed against a DOC employee, the ombuds would have been required to give the commissioner all oral or written communications relevant to the threat. Under existing law, these provisions apply to individuals age 18 or younger, but the act would have applied them to everyone in DOC custody.

### *Subpoena Power*

The act would have allowed the correction ombuds to (1) issue subpoenas to compel the attendance and testimony of witnesses or the production of books, papers, and other documents and (2) administer oaths to witnesses in any matter under his or her investigation.

The act would have allowed the person issued such a subpoena to, within

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specified timeframes, (1) serve the ombuds with a written objection to the subpoena and (2) file the objection in the Hartford Superior Court, which would be required to adjudicate the objection under court rules. The person would have to do so within 15 days after the subpoena was served or by the day the subpoena specified for compliance, if the time was less than 15 days after service. If the person failed to object or appear or, having appeared, refused to testify or failed to produce the evidence required, the ombuds would have been able to apply to the Superior Court for the Hartford judicial district, which would have had jurisdiction to order the person to appear and give testimony or to produce the evidence, as applicable.

### *Grants, Gifts, and Bequests*

The act would have allowed the ombuds to apply for and accept grants, gifts, and bequests of funds from other states, federal and interstate agencies, independent authorities, private firms, individuals, and foundations, to carry out his or her responsibilities. It would have established a Correction Ombuds account within the General Fund as a separate nonlapsing account. Any funds received under this provision would have been required to, upon deposit in the General Fund, be credited to the account and the ombuds would have been able to use it in performing his or her duties.

### *Retaliation Prohibited*

The act would have prohibited state or municipal agencies from discharging, or discriminating in any manner or retaliating against, any employee who in good faith made a complaint to the correction ombuds or cooperated with the office in an investigation.

### *Immunity*

Under the act, the state would have been required to protect and hold harmless any attorney, director, investigator, social worker, or other person the Correction Ombuds Office employed. The act would have protected those individuals from any financial loss and expense, including legal fees and costs arising out of any claim, demand, or suit for damages resulting from acts or omissions committed in discharging their duties within the scope of their employment that could constitute negligence, but were not wanton, malicious, or grossly negligent as a court determined.

### *Study*

The act would have required the Correction Ombuds Office to study the conditions in the state's correctional facilities and halfway houses and annually report to the Judiciary Committee on them.

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### §§ 2 & 4 — ISOLATED CONFINEMENT, RESTRAINTS, AND SECLUSION

The act would have limited the instances of, and placed new requirements for, using isolated confinement, seclusion, or restraints. But these policies would not have applied to any incarcerated person convicted of capital felony or murder with special circumstances. As under existing law, the act would have prohibited DOC from placing any individual under age 18 on administrative segregation status (i.e., placing an inmate on restrictive housing status after determining the inmate can no longer be safely managed within the general inmate population of the correctional facility).

#### *Right to Be Outside the Cell*

Beginning July 1, 2022, the act would have generally required each incarcerated person, other than those on restrictive housing status, to have the opportunity to be outside his or her cell for at least 6.5 hours a day. Beginning July 1, 2023, the act would have generally required those on restrictive housing status to be allowed out of their cells for at least 6.5 hours a day.

The act would have allowed the DOC commissioner to develop a plan to govern how each incarcerated person on restrictive housing status would have the opportunity to be outside his or her cell for at least 6.5 hours each day, except under certain circumstances and conditions (see below). The act specified that regardless of whether the plan was developed, each incarcerated person would have the opportunity to be outside his or her cell for at least 6.5 hours a day.

The commissioner would have been required to report the plan to the Judiciary Committee within two weeks after it was developed.

Under the act, the outside of the cell requirement would not apply to those held in (1) seclusion or (2) isolated confinement in response to certain situations. These situations are (1) a serious incident resulting in a correctional facility-wide lockdown, (2) a substantiated threat of imminent physical harm to another person based on recent conduct, or (3) an incarcerated person's request for segregation for the person's protection.

Under the act, a "serious incident" would have been any of the following:

1. an attack on a DOC building or facility conducted from outside of the building or facility;
2. a significant breach of a DOC building or facility perimeter;
3. possession of firearms, ammunition, or explosives by an incarcerated person or a visitor to a DOC building or facility;
4. the death of or injury to an on-duty DOC employee, a DOC contractor or volunteer, or a visitor to a DOC building or facility;
5. an unnatural death or admission to an acute care hospital of an incarcerated person;
6. a riot or hostage situation, major fire, or bomb threat at a DOC building or facility;
7. a suspected bio-chemical contamination of a DOC building or facility;
8. any suspected, attempted, or confirmed escape of an incarcerated person

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- from a correctional facility or work detail or during transport, including any escape a public member reports;
9. any incident requiring a unit to be placed on alert or mobilized in response to an emergency at a DOC building or facility;
  10. an intentional or accidental firearm discharge at a DOC building or facility, other than during training;
  11. use of a category 2 chemical agent at a DOC building or facility, as categorized by federal Occupational Safety and Health Administration standards, for purposes other than those approved for building, facility, or equipment maintenance;
  12. an event that seriously impacts normal DOC operations such as a health emergency, power outage, any major destruction or disablement of state property, or an incident requiring an unplanned lockdown of a DOC facility;
  13. a terrorist threat or intelligence of suspected terrorist activity;
  14. an instance or threat of workplace violence in any workplace or as part of any work detail requiring the immediate separation of incarcerated individuals due to an imminent threat of violence;
  15. a suicide attempt by an incarcerated person requiring immediate life-saving measures; or
  16. a reported sexual abuse of an incarcerated person or a DOC employee, contractor, or volunteer committed on or by these individuals where there is immediate evidence or indication that sexual abuse occurred.

### *Isolated Confinement*

The act would have required DOC, before holding an incarcerated person in isolated confinement (i.e., in a cell, alone or with others, for more than 17.5 hours per day) due to one of the situations described above, to attempt to defuse the situation with de-escalation methods (i.e., to effectively defuse a crisis without the use of force by using trained tactics to recognize and respond to emotions) and less restrictive measures. Only if those methods and measures failed to defuse the situation would DOC have been allowed to hold a person in isolated confinement.

Under the act, within 24 hours after initiating the process of holding someone in isolated confinement, DOC would have been required to ensure a physician and therapist (i.e., a licensed physician specializing in psychiatry, psychologist, marital and family therapist, clinical or master social worker, or professional counselor), respectively, conducted a physical examination and a mental health evaluation to determine whether the person was a member of a vulnerable population.

Under the act, a “member of a vulnerable population” would have been an incarcerated person who:

1. was age 21 or younger, or age 65 or older;
2. had a mental disability, a history of psychiatric hospitalization, or recently exhibited self-harming conduct, including self-mutilation;
3. had a developmental disability;

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4. had a serious medical condition that cannot be effectively treated in isolated confinement;
5. was pregnant, is in the postpartum period, or recently suffered a miscarriage or terminated a pregnancy; or
6. had a significant auditory or visual impairment.

If DOC held an incarcerated person in isolated confinement, the act would have required it to:

1. ensure continuous monitoring of the person's safety and well-being;
2. ensure that any person held in isolated confinement had sufficient and regular access to a toilet, water, food, light, air, and heat;
3. continue de-escalation efforts; and
4. end the person's isolated confinement as soon as the threat of the serious incident or of imminent physical harm to others passed or the person no longer requested segregation for his or her own protection.

The act would have prohibited DOC from subjecting any incarcerated person to isolated confinement (1) because of the person's race, creed, color, national origin, nationality, ancestry, age, marital or civil union status, domestic partnership, affectional or sexual orientation, genetic information, pregnancy or breastfeeding status, sex, gender identity or expression, disability, or atypical hereditary cellular or blood trait or (2) for any continuous period longer than 72 hours or for more than 72 hours during any 14-day period.

The act would have prohibited staff members ranked lower than captain from ordering an incarcerated person to be held in isolated confinement. It would have only allowed those ranked captain or higher, or the commissioner or deputy commissioner, to order an incarcerated person to be held in isolated confinement for an initial period of up to eight hours. If there was no staff member on duty at a facility with the rank of captain or higher, the warden could have authorized the highest-ranking officer on duty to order that an incarcerated person be held in isolated confinement for an initial period of up to eight hours. Only those ranked deputy warden or warden or the commissioner or deputy commissioner could have ordered continued isolated confinement in increments of up to eight hours and not more than 48 hours total. Only the commissioner or deputy commissioner could have ordered continued isolated confinement of up to 72 hours total.

### *Restraints*

The act would have prohibited DOC from subjecting an incarcerated person to:

1. life-threatening restraints (i.e., any physical restraint or hold that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs, or head while the person is in the prone position);
2. pharmacological restraints (i.e., a drug or medication used to manage a person's behavior or restrict a person's freedom of movement and not as a standard treatment or administered in a dosage appropriate for the patient's condition), except as when the act would have expressly allowed



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them (see below); or

3. physical restraints, except when the act would have allowed for (a) transporting the incarcerated person between units or outside the correctional facility or (b) responding to a substantiated threat of imminent physical harm to another person as evidenced by recent conduct.

Under the act, “physical restraint” would have meant any mechanical device used to control the movement of an incarcerated person’s body or limbs, including, flex cuffs, soft restraints, hard metal handcuffs, a black box, leg irons, belly chains, a security chain, or a convex shield. But it did not include any medical device or helmet, mitt, or similar device used to prevent self-injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent self-injury. The act would have defined “soft restraints” as any physical restraint constructed of padded, quilted, or pliable materials, but the term would not include flex cuffs, handcuffs, a black box, leg irons, a belly chain, or a security chain.

Before subjecting an incarcerated person to physical restraints when responding to a substantiated threat of imminent physical harm, DOC would have had to first attempt to defuse the situation by using de-escalation methods and less restrictive measures. DOC could have used physical restraints only if these methods and measures failed to defuse the situation, except as restricted under the laws for pregnant inmates (CGS § 18-69c).

Under the act, if DOC subjected an incarcerated person to physical restraints when responding to a substantiated threat of imminent physical harm, DOC would have been required to:

1. confirm continuous monitoring to ensure the person’s safety and well-being, including requiring certain medical professionals to check the restraints and then again every two hours to ensure adequate circulation and range of movement to avoid pain and to allow the incarcerated person to perform necessary bodily functions, including breathing, eating, drinking, standing, lying down, sitting, and using the toilet;
2. ensure that no physical restraints were imposed on an incarcerated inmate who was showering or exercising;
3. continue de-escalation efforts; and
4. stop using physical restraints on the incarcerated person as soon as the threat of the serious incident or imminent physical harm to others passed.

The act would have prohibited staff members ranked lower than captain from subjecting an incarcerated person to physical restraints. It would have only allowed those ranked captain or higher to order an incarcerated person to be subjected to physical restraints for an initial period of not more than two hours. Only a deputy warden or warden or the commissioner or deputy commissioner could have ordered the use of physical restraints for an additional period of up to two hours, provided no incarcerated person was subjected to physical restraints for more than four hours in any 24-hour period.

### *Use of Restraints or Seclusion*

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The act would have allowed DOC to subject an incarcerated person to seclusion (i.e., involuntary confinement as a patient in a separate room, subject to close medical supervision to protect the patient and others from harm) or restraints in response to a psychiatric emergency, if a therapist attempted to defuse the situation by using de-escalation methods and less restrictive measures that failed. Under the act, “psychiatric emergency” would have meant an event during which a person poses a substantiated threat of imminent physical harm to himself or herself or another person due to an acute disturbance of behavior, thought, or mood.

The act would have only allowed a therapist to order an incarcerated person to be subjected to restraints in response to a psychiatric emergency. This could have occurred after the therapist conducted an in-person evaluation and determined that restraints were needed to prevent a substantiated threat of imminent physical harm to the incarcerated person or to others because of an acute disturbance of behavior, thought, or mood. The therapist could have ordered the person to be subjected to restraints for a period of up to two hours. A therapist could have only ordered the person to be restrained for an additional period of up to two hours if the therapist, after an in-person evaluation, determined that restraints remained necessary to prevent the same harm as before.

If DOC subjected an incarcerated person to seclusion or restraints in response to a psychiatric emergency, the department would have been required to:

1. ensure that the seclusion or restraints were only within the correctional facility’s medical units;
2. ensure that the only restraints employed were soft restraints or pharmacological restraints;
3. ensure that no (a) soft restraints were used if pharmacological restraints had already been administered and alleviated the risk of a serious incident or imminent physical harm and (b) pharmacological restraints were administered if soft restraints had already been used and alleviated the risk;
4. ensure a medical professional checked the restraints every two hours, to ensure adequate circulation and range of movement to avoid pain and that a medical professional continually monitored the restrained person through direct observation;
5. continue de-escalation efforts; and
6. stop using seclusion or restraints on the incarcerated person as soon as the threat of the serious incident or imminent physical harm had passed.

The act would have required DOC to develop standards to enable staff members to determine whether using restraints or seclusion was contraindicated for each incarcerated person, based on the person’s medical and psychiatric status. The department would have been required to (1) inform each incarcerated person of his or her restraint or seclusion status and (2) maintain the person’s restraint or seclusion status in a place easily visible to staff members if an emergency response was necessary.

### *Documentation*

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Under the act, any time DOC used isolated confinement or seclusion or restrained a person, it would have been required to:

1. video and audio record each incident from the moment the use of restraints or confinement was imposed until it stopped and
2. document the (a) de-escalation methods attempted, (b) cause for imposing restraints or confinement, and (c) method and duration of any restraint used.

DOC would have had to retain any video or audio record, or document created for at least five years.

Under existing law, DOC must publish on its website a description of any form and phase of housing (i.e., any status, restrictive, or otherwise, that an incarcerated person may experience while in DOC custody) used at any of its correctional facilities for inmates on restrictive housing status (see below). The act would have instead required DOC to publish this description for incarcerated individuals held in isolated confinement and data used in the report in a downloadable, sortable format.

### *Restrictive Housing Status*

Under existing law, “restrictive housing status” means the designation of a DOC inmate that provides for closely regulated management and separation of the inmate from other inmates. Under the act, it would have instead meant any classification that requires closely regulated management and separation of an incarcerated person and included the following correctional statuses: administrative segregation, punitive segregation, transfer detention, administrative detention, security risk group, chronic discipline, special needs, and protective custody.

### *Annual Report on Certain Data*

Additionally, existing law requires DOC to at least annually submit to the Criminal Justice Policy and Planning Division a report containing certain aggregated and anonymized data. The act would have instead required the data to be disaggregated and provide specific information on isolated confinement, restraints, and seclusion, rather than on just administrative segregation generally.

Under existing law, the report must include the number of inmates on administrative housing status for the previous year with disaggregate data with certain personal information, the form and phase of housing the inmate was held in, the durations of time in each status, and a breakdown by correctional facility.

The act would have instead required DOC to report the number of incarcerated individuals who spent any time in isolated confinement during the 12 months before the report’s submission.

Under the act, the data would have also been required to include lists of unique individuals in DOC custody during the 12 months before the report’s submission who were subjected to any form of isolated confinement or restraints.

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The lists would have been required to include each person's: age, gender identity, ethnicity, total number of days spent in isolated confinement or restraints in the previous calendar year, total number of days spent in isolated confinement or restraints over the course of the entire incarceration period, specific restrictive housing status, if any, and mental health score as DOC calculated, if any. The isolated confinement list would have been required to also include the reason for placement in isolation.

The act would have also required the data to include the number of incidents, broken down by correctional facility, for the previous calendar year, categorized as:

1. suicides,
2. attempted suicides,
3. self-harm,
4. staff member use of force against incarcerated individuals,
5. incarcerated individuals assaulting staff members, and
6. assaults between incarcerated individuals.

The report would have also been required to include the number of incarcerated individuals subjected to more than 72 hours of isolated confinement in the previous calendar year as categorized by the following periods of time: (1) up to 15 days, (2) 16 to 30 days, (3) 31 to 79 days, or (4) 80 days or more.

### *Restrictive Housing Status Study*

The act would have required the DOC commissioner to study and submit a report to the Judiciary Committee on the use and oversight of all forms and phases of housing for inmates on restrictive housing status.

### *Training and Wellness Measures for DOC Employees*

Under existing law, DOC, within available appropriations, must provide certain training to, and take measures to promote the wellness of, DOC employees who interact with inmates. The act would have expanded (1) this training to include recognizing and mitigating trauma and vicarious trauma and (2) these measures to include developing and using strategies to prevent and treat trauma-related effects on employees.

## §§ 3 & 5 — VISITATION POLICY AND OTHER RIGHTS OF INCARCERATED INDIVIDUALS

The act would have established certain visitation rights for incarcerated people and eliminated the requirement for a separate visitation policy for an inmate who was a parent to a child under age 18. But as under existing law, any policy for such a person would have had to include rules on (1) physical contact, (2) convenience and frequency of visits, and (3) access to child-friendly visiting areas. The act would have specified that this policy did not apply to any incarcerated person convicted of a capital felony or murder with special

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circumstances.

Under the act, the visitation policy would have had to:

1. allow at least one 60-minute contact social visit per week (i.e., an in-person meeting between an incarcerated person and an approved visitor who are not separated from each other by any physical divider, including, a screen or partition);
2. allow visitation by members of an incarcerated person's immediate family, extended family, unmarried co-parents, unmarried romantic partners, and close personal friends (a person's past criminal conviction could not be the sole or primary basis for denying a person's application to visit); and
3. provide that no incarcerated person may be restrained during a contact social visit.

The policy would have been required to provide that no incarcerated person, except one with a history of contraband violations, would be deprived of a contact social visit without first having a hearing where DOC had the burden of showing by clear and convincing evidence that the visitation denial was needed to (1) protect against a substantiated threat of imminent physical harm to DOC employees, other visitors, or other individuals or (2) prevent the introduction of contraband. Any incarcerated person who was denied a contact social visit would have been required to have an opportunity for a visit not involving contact instead.

The act would have allowed an incarcerated person with a history of contraband violations to be deprived of these contact social visits without a hearing, although the person could have requested a hearing to have visitation reinstated.

These hearings would have been required to be guided by written procedures that the DOC commissioner would have had to develop by September 30, 2021. The procedures would have guided the hearings on and after October 1, 2021, and the commissioner would have had to report on the procedures to the Judiciary Committee by that date.

The act would have prohibited DOC from depriving an incarcerated person of contact social visits for more than 90 days, except for those convicted of a capital felony or murder with special circumstances.

### *Mail and Writing*

The act would have required the DOC commissioner to establish policies concerning mail to and from incarcerated people. The policies would have been required to (1) allow each incarcerated person to write, send, and receive letters without limiting the number of letters an incarcerated person received, wrote, and sent at his or her own personal expense and (2) prohibit unnecessary delays in processing an incarcerated person's incoming and outgoing mail.

The act would have required each correctional facility commissary to sell (1) stationery, envelopes, postcards, greeting cards, and postage and (2) aérogramme folding letters (i.e., light paper foldable and sealable to form a letter) for foreign air mail letters.

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The act would have prohibited DOC from depriving an incarcerated person of the ability to write, send, or receive letters for discipline, retaliation, or convenience.