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

Section 1. (NEW) (Effective from passage) (a) There is established a Correction Accountability Commission.

(b) The commission shall consist of nine members as follows: (1) Two appointed by the majority leader of the Senate, one of whom shall be directly impacted; (2) two appointed by the minority leader of the Senate, one of whom must be directly impacted; (3) one appointed by the minority leader of the House of Representatives; (4) one appointed by the minority leader of the House of Representatives; and (5) three appointed by the Governor, two of whom shall be directly impacted. The commission shall select a chairperson who shall preside at meetings of the committee. No member of the commission shall be a person who is a volunteer for or is employed by the Department of Correction or any
other entity subject to the review of, or evaluation or monitoring by the 
Office of the Correction Ombuds pursuant to section 18-81jj of the 
general statutes, as amended by this act, or a communicator lobbyist 
who pursuant to such lobbyist's registration under chapter 10 of the 
general statutes, lobbies on behalf of the department or any such entity. 
Each member of the advisory committee shall serve a term of five years 
and may be reappointed at the conclusion of such term. All initial 
appointments to the commission shall be made not later than August 1, 
2021. Each member of the advisory committee shall serve a five-year 
term from July first of the year of their appointment. Any vacancy in the 
membership of the committee shall be filled by the appointing authority 
for the unexpired portion of the term.

(c) For purposes of this section, "directly impacted" means a person 
who is currently or formerly incarcerated, or the family member of a 
person who is currently or formerly incarcerated.

(d) The commission shall (1) prepare a list of candidates for the 
position of Correction Ombuds, pursuant to section 18-81jj of the 
general statutes, as amended by this act, (2) review the Correction 
Ombuds' performance pursuant to section 18-81jj of the general statutes, 
as amended by this act, (3) bring appropriate matters to the Correction 
Ombuds' attention, (4) accompany the Correction Ombuds on tours of 
correctional facilities, and (5) consult with the Correction Ombuds on 
 systemic reforms.

Sec. 2. Section 18-81jj of the general statutes is repealed and the 
following is substituted in lieu thereof (Effective October 1, 2021):

(a) (1) There is, within the Office of Governmental Accountability 
established under section 1-300, the Office of the Correction Ombuds for 
the provision of ombuds services.

[(a)] (2) For purposes of this section, ["ombudsman services"] 
"ombuds services" includes:

[(1) the receipt of] (A) Evaluating the delivery of services to
incarcerated persons by the Department of Correction, its contractors
and other entities that provide services to people detained in
correctional institutions or halfway houses through funding provided
by the state;

(B) Reviewing periodically the procedures established by the
Department of Correction to carry out the provisions of title 18 with a
view toward the rights of incarcerated persons;

(C) Receiving complaints [by the ombudsman] from persons
[eighteen years of age or younger] in the custody of the Commissioner
of Correction regarding decisions, actions, omissions, policies,
procedures, rules or regulations of the Department of Correction; [L]

[(2) investigating] (D) Investigating such complaints, rendering a
decision on the merits of each complaint and communicating the
decision to the complainant; [L, (3) recommending]

(E) Recommending to the commissioner a resolution of any
complaint found to have merit; [L, (4)]

(F) Reviewing facilities and procedures employed at such facilities
where a person may be housed who is in the custody of the
commissioner;

(G) Providing assistance including, but not limited to, advocating
with a department or service provider or others on behalf of the
incarcerated person;

[recommending] (H) Recommending procedure and policy revisions
to the department [L, and (5) publishing] and the Correction
Accountability Commission established pursuant to section 1 of this act;

(I) Taking all possible actions, including, but not limited to,
conducting programs of public education, undertaking legislative
advocacy and making proposals for systemic reform and formal legal
action, in order to secure and ensure the rights of persons under the
custody of the commissioner; and
(j) Publishing a quarterly report of all [ombudsman] ombuds services and activities.

(b) The Commissioner of Correction shall hire a person to provide ombudsman services and shall annually report the name of such person to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction in accordance with the provisions of section 11-4a. In addition to the executive assistant positions authorized under subdivision (10) of section 5-198, the commissioner may hire an executive assistant to carry out the duties of this section.] (1) Not later than October 1, 2021, and upon any vacancy in the position of Correction Ombuds, the Correction Accountability Commission established pursuant to section 1 of this act shall submit to the Governor a list of not fewer than three and not more than five persons qualified by training and experience to perform and lead the office of Correction Ombuds. Such list shall rank the candidates in the order of commission preference. Not later than eight weeks after receiving the list of candidates from the commission, the Governor shall designate a candidate for Correction Ombuds from among the choices on such list. If at any time any of the candidates withdraw from consideration prior to confirmation by the General Assembly, the designation shall be made from the remaining candidates on the list submitted to the Governor. If, not later than eight weeks after receiving the list, the Governor fails to designate a candidate from the list, the candidate ranked first shall receive the designation and be referred to the General Assembly for confirmation. If the General Assembly is not in session, the designated candidate shall serve as acting Correction Ombuds and be entitled to the compensation, privileges and powers of the Correction Ombuds until the General Assembly meets to take action on said appointment.

(2) The person appointed as Correction Ombuds shall serve for an initial term of two years and may be reappointed for an additional term two years upon review and approval by majority vote by the Correction Accountability Commission.
(3) Upon any vacancy in the position of Correction Ombuds and until such time as a candidate has been confirmed by the General Assembly or, if the General Assembly is not in session, has been designated by the Governor, the Associate Correction Ombuds shall serve as the acting Correction Ombuds and be entitled to the compensation, privileges and powers of the Correction Ombuds.

(4) Notwithstanding any other provision of the general statutes, the Correction Ombuds shall act independently of any department in the performance of the office's duties.

(5) The Correction Ombuds may, within available funds, appoint such staff as may be deemed necessary. The duties of the staff may include the duties and powers of the Correction Ombuds if performed under the direction of the Correction Ombuds.

(6) The General Assembly shall annually appropriate such sums as necessary for the payment of the salaries of the staff and for the payment of office expenses and other actual expenses incurred by the Correction Ombuds in the performance of his or her duties. Any legal or court fees obtained by the state in actions brought by the Correction Ombuds shall be deposited in the General Fund.

(7) The Correction Ombuds shall annually submit, in accordance with the provisions of section 11-4a to the Governor, the joint standing committees of the General Assembly having cognizance of matters relating to corrections, public health and human services and the advisory committee established pursuant to section 1 of this act, a detailed report analyzing the work of the Office of the Correction Ombuds.

(c) Prior to any person [eighteen years of age or younger] in the custody of the Commissioner of Correction obtaining [ombudsman] ombuds services, such person shall have reasonably pursued a resolution of the complaint through any existing internal grievance of appellate procedures of the Department of Correction.
All oral and written communications, and records relating to such communications between a person [eighteen years of age or younger] in the custody of the Commissioner of Correction and the [ombudsman] Correction Ombuds or a member of the [ombudsman's] Office of the Correction Ombuds staff, including, but not limited to, the identity of a complainant, the details of a complaint and the investigative findings and conclusions of the [ombudsman] Correction Ombuds shall be confidential and shall not be disclosed without the consent of the person, except that the [ombudsman] Correction Ombuds may disclose without the consent of the person (1) such communications or records as may be necessary for the [ombudsman] Correction Ombuds to conduct an investigation and support any recommendations the ombudsman may make, or (2) the formal disposition of a person's complaint when requested in writing by a court that is hearing such person's application for a writ of habeas corpus that was filed subsequent to an adverse finding by the [ombudsman] Correction Ombuds on such person's complaint.

Notwithstanding the provisions of subsection (d) of this section, whenever in the course of providing [ombudsman] ombuds services, the [ombudsman] Correction Ombuds or a member of the [ombudsman's] Office of the Correction Ombuds staff becomes aware of the commission or planned commission of a criminal act or a threat to the health and safety of any person or the security of a correctional facility, the [ombudsman] Correction Ombuds shall notify the Commissioner of Correction or a facility administrator of such act or threat and the nature and target of the act or threat.

If the Commissioner of Correction has a reasonable belief that a person [eighteen years of age or younger] in the custody of the commissioner has made or provided to the [ombudsman] Correction Ombuds an oral or written communication concerning a safety or security threat within the Department of Correction or directed against an employee of the department, the [ombudsman] Correction Ombuds shall provide to the commissioner all oral or written communications relevant to such threat.
(g) Notwithstanding any provision of the general statutes concerning the confidentiality of records and information, the Correction Ombuds shall have access to, including the right to inspect and copy, any records necessary to carry out the responsibilities of the Correction Ombuds as provided in subsection (a) of this section. If the Correction Ombuds is denied access to any records necessary to carry out said responsibilities, he or she may issue a subpoena for the production of such records as provided in subsection (i) of this section.

(h) In the performance of his or her responsibilities under subsection (a) of this section, the Correction Ombuds may communicate privately with any person in the custody of the commissioner. Such communications shall be confidential.

(i) The Correction Ombuds may issue subpoenas to compel the attendance and testimony of witnesses or the production of books, papers and other documents and to administer oaths to witnesses in any matter under his or her investigation. If any person to whom such subpoena is issued fails to appear or, having appeared, refuses to give testimony or fails to produce the evidence required, the Correction Ombuds may apply to the superior court for the judicial district of Hartford which shall have jurisdiction to order such person to appear and give testimony or to produce such evidence, as the case may be.

(j) The Correction Ombuds may apply for and accept grants, gifts and bequests of funds from other states, federal and interstate agencies and independent authorities and private firms, individuals and foundations, for the purpose of carrying out his or her responsibilities. There is established within the General Fund a Correction Ombuds account which shall be a separate nonlapsing account. Any funds received under this subsection shall, upon deposit in the General Fund, be credited to said account and may be used by the Correction Ombuds in the performance of his or her duties.

(k) The name, address and other personally identifiable information of a person who makes a complaint to the Correction Ombuds and all
information obtained or generated by the office in the course of an investigation and all confidential records obtained by the Correction Ombuds or a designee shall be confidential and shall not be subject to disclosure under the Freedom of Information Act or otherwise, except that such information and records, other than confidential information concerning a pending law enforcement investigation or a pending prosecution, may be disclosed if the Correction Ombuds determines that disclosure is (1) in the general public interest, or (2) necessary to enable the Correction Ombuds to perform his or her responsibilities under subsection (a) of this section.

(l) No state or municipal agency shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a complaint to the Correction Ombuds or cooperates with the Office of the Correction Ombuds in an investigation.

(m) The state of Connecticut shall protect and hold harmless any attorney, director, investigator, social worker or other person employed by the Office of the Correction Ombuds and any volunteer appointed by the Correction Ombuds from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand or suit for damages resulting from acts or omissions committed in the discharge of his duties with the program within the scope of his or her employment or appointment which may constitute negligence but which acts are not wanton, malicious or grossly negligent as determined by a court of competent jurisdiction.

(n) The Office of the Correction Ombuds shall conduct a study regarding the conditions in the state's correctional facilities and halfway houses. Not later than October 1, 2022, and annually thereafter, the Correction Ombuds shall submit a report, in accordance with section 11-4a to the joint standing committee of the General Assembly having cognizance of matters relating to corrections regarding the conditions of confinement in the state's correctional facilities and halfway houses.

Sec. 3. Section 18-96b of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2021):

(a) As used in this section:

(1) "Abuse" means any act or omission by a department employee or a person working under a contract or as a volunteer with the department who acts or fails to act knowingly, recklessly or intentionally, each as defined in section 53a-3, and which act or omission caused, or could have caused mental harm, physical injury or death to an incarcerated person;

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

(3) "Commissioner" means Commissioner of Correction;

(4) "De-escalation" means to effectively defuse a crisis without the use of force by using tactics learned through training to recognize and respond to emotions;

(5) "Department" means Department of Correction;

(6) "Form and phase of housing" means any status, restrictive or otherwise, that an incarcerated person may experience while in the custody of the commissioner;

(7) "Incarcerated person" means a person confined and in the custody and care of the Commissioner of Correction, including those persons in pretrial, presentencing or post-conviction confinement;

(8) "Isolated confinement" means confinement of an incarcerated person in a cell, alone or with others, for more than sixteen hours per day;

(9) "Life-threatening physical restraint" means any physical restraint
or hold of a person that (A) restricts the flow of air into a person's lungs, whether by chest compression or any other means, or (B) immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position;

(10) "Medical professional" means (A) A physician licensed under chapter 370; (B) a physician assistant licensed under chapter 370; or (C) an advanced practice registered nurse, registered nurse or practical nurse licensed under chapter 378;

(11) "Member of a vulnerable population" means any incarcerated person who:

(A) Is twenty-one years of age or younger, or sixty-five years of age or older;

(B) Has a mental disability, as defined in section 53a-181i, a history of psychiatric hospitalization, or has recently exhibited conduct, including, but not limited to, self-mutilation;

(C) Has a developmental disability, as defined in section 17b-28;

(D) Has a serious medical condition that cannot be effectively treated in isolated confinement;

(E) Is pregnant, is in the postpartum period, or has recently suffered a miscarriage or terminated a pregnancy; or

(F) Has a significant auditory or visual impairment;

(12) "Neglect" means a negligent act or omission by any staff member or volunteer which caused, or may have caused, injury or death to an incarcerated person;

(13) "Pharmacological restraint" means a drug or medication when 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;
(14) "Physician" means a physician, licensed pursuant to chapter 370;

(15) "Psychiatric emergency" means 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;

(16) "Physical Restraint" means any mechanical device used to control the movement of an incarcerated person's body or limbs, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, leg irons, belly chains, a security chain or a convex shield, but does 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 such self-injury;

(17) "Seclusion" means involuntary confinement of an incarcerated person as a patient in a separate room, subject to close medical supervision for the purpose of protecting the patient and others from harm;

(18) "Serious incident" means any of the following:

(A) An attack on a department building or facility conducted from outside of the building or facility;

(B) A significant breach of a department building or facility perimeter;

(C) Possession of firearms, ammunition or explosives by an incarcerated person or a visitor to a department building or facility;

(D) A death of an on-duty department employee, a person working under a contract or as a volunteer with the department or a visitor to a department building or facility or an unnatural death of an incarcerated person;

(E) An injury to an on-duty department employee, a person working
under a contract or as a volunteer with the department, a visitor to a
department building or facility or an incarcerated person that results in
admission to an acute care hospital;

(F) A riot or hostage situation at a department building or facility;

(G) A major fire at a department building or facility;

(H) A bomb threat directed at a department building or facility;

(I) A suspected bio-chemical contamination of a department building
or facility;

(J) Any suspected, attempted or confirmed escape of an incarcerated
person from a correctional facility or work detail or during transport,
including any such escape reported by a member of the public;

(K) Any incident requiring a unit to be placed on alert or mobilized
in response to an emergency at a department building or facility;

(L) An intentional or accidental discharge of a firearm at a
department building or facility, other than during training;

(M) Use of a category 2 chemical agent at a department building or
facility, as categorized in standards adopted by the federal Occupational
Safety and Health Administration, for purposes other than those
approved for building, facility or equipment maintenance;

(N) An event that seriously impacts normal operation of the
department such as a health emergency, power outage, any major
destruction or disablement of state property or an incident requiring an
unplanned lockdown of a department facility;

(O) A terrorist threat or intelligence of suspected terrorist activity;

(P) An instance of workplace violence or threat of workplace violence
in any workplace or as part of any work detail requiring the immediate
separation of incarcerated persons due to an imminent threat of
violence;
(Q) A reported sexual abuse of an incarcerated person or a department employee or a person working under a contract or as a volunteer with the department committed on or by an incarcerated person or a staff member or a person working as a volunteer with the department, where there is immediate evidence or indication that sexual abuse has occurred; or

(R) A suicide attempt by an incarcerated person requiring immediate life-saving measures; REMOVE and integrate into one-time used;

(19) "Restraint" includes any pharmacological restraint, physical restraint or soft restraint;

[(2)] (20) "Restrictive housing status" means [the designation of an inmate by the Department of Correction that provides for closely regulated management and separation of such inmate from other inmates.] any classification that requires closely regulated management and separation of an incarcerated person and includes, but is not limited to, following correctional statuses: Administrative segregation, punitive segregation, transfer detention, administrative detention, security risk group, chronic discipline, special needs and protective custody;

(21) "Soft restraint" means any physical restraint constructed of padded, quilted or pliable materials, but does not include, flex cuffs, handcuffs, a black box, leg irons, a belly chain or a security chain;

(22) "Staff member" means an employee, contractor or subcontractor of the department;

(23) "Therapist" means any (A) physician licensed pursuant to chapter 370 who specializes in psychiatry, (B) psychologist or professional counselor licensed pursuant to chapter 383, (C) marital and family therapist licensed pursuant to chapter 383a, or (D) clinical social worker or master social worker licensed pursuant to chapter 383b;

(24) "Unique individual" means a person who, for data collection purposes, is associated with a unique identifier that is anonymized; and
"Use of force" means the use of physical force or deadly physical force, as defined in section 53a-3, by a staff member to compel compliance by an incarcerated person. "Use of force" includes, but is not limited to, the use of restraints, chemical agents, canines, chokeholds or munitions or forceable extraction from a cell.

(b) (1) Each incarcerated person shall have the opportunity to be outside of his or her cell for at least eight hours each day, except in the case of an incarcerated person held in seclusion pursuant to subsection (d) of this section or except as provided in subdivisions (1) and (2) of this subsection and in response to (A) a serious incident resulting in a correctional facility-wide lockdown, (B) a substantiated threat of imminent physical harm to another person as evidenced by recent conduct; or (C) an incarcerated person's request for segregation for such person's protection.

(2) Prior to holding any incarcerated person in isolated confinement in response to subparagraph (A), (B) or (C) of subdivision (1) of this subsection, (A) a physician shall personally conduct a physical examination and a therapist shall personally conduct a mental health evaluation to determine whether such person is a member of a vulnerable population, and (B) the department shall attempt to defuse the instant situation by using de-escalation methods and less restrictive measures. Only if such methods and measures fail to defuse the instant situation may the department hold a person in isolated confinement.

(3) If holding an incarcerated person in isolated confinement, the department shall:

(A) Ensure continuous monitoring to ensure the person's safety and well-being;

(B) Ensure that any person held in isolated confinement shall have sufficient and regular access to toilets, water, food, light, air and heat;

(C) Continue de-escalation efforts; and
(D) End isolated confinement of the person as soon as threat of the serious incident or imminent physical harm to others has passed or such person no longer requests segregation for such person's protection.

(4) The department shall not subject any incarcerated person to isolated confinement (A) because of the incarcerated person's race, creed, color, national origin, nationality, ancestry, age, marital status, domestic partnership or civil union status, affectional or sexual orientation, genetic information, pregnancy or breastfeeding status, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait, or (B) for any period longer than seventy-two hours, or for more than seventy-two hours during any fourteen-day period.

(5) No staff member with a rank lower than captain may order an incarcerated person to be held in isolated confinement. A staff member with a rank of captain or higher or the commissioner or deputy commissioner may order an incarcerated person to be held in isolated confinement for an initial period of not more than eight hours. Only a staff member with a rank of deputy warden or warden or the commissioner or deputy commissioner may order the continuation of a period of isolated confinement in increments of no more than eight hours and not more than a total of forty-eight hours. Only the commissioner or deputy commissioner may order the continuation of a period of isolated confinement of not more than a total of seventy-two hours.

(c) (1) The department shall not subject an incarcerated person to the use of (A) life-threatening restraints, (B) pharmacological restraints, except as provided in subsection (d) of this section, or (C) physical restraints except as provided in subdivisions (2) and (3) of this subsection for the purpose of (i) transporting the incarcerated person between units or outside the correctional facility, or (ii) responding to a substantiated threat of imminent physical harm to another person as evidenced by recent conduct.

(2) Prior to subjecting any incarcerated person to the use of physical
restraints pursuant to clause (ii) of subparagraph (C) of subdivision (1) of this subsection and subdivision (3) of this subsection, the department shall attempt to defuse the instant situation by using de-escalation methods and less restrictive measures. Only if such methods and measures fail to defuse the instant situation may the department subject a person to the use of physical restraints, except as restricted pursuant to section 18-69c.

(3) If subjecting an incarcerated person to physical restraints pursuant to clause (ii) of subparagraph (C) of subdivision (1) of this subsection, the department shall:

(A) Ensure continuous monitoring to ensure the person's safety and well-being, including requiring a medical professional to check the imposition of restraints and every two hours thereafter to ensure adequate circulation and range of movement to avoid pain and to permit the incarcerated person to perform necessary bodily functions, including breathing, eating, drinking, standing, lying down, sitting and using the toilet;

(B) Ensure that no physical restraints are imposed upon an incarcerated inmate who is showering or exercising;

(C) Continue de-escalation efforts; and

(D) End the use of physical restraints on the incarcerated person as soon as threat of the serious incident or imminent physical harm to others has passed.

(4) No staff member with a rank lower than captain may subject an incarcerated person to the use of physical restraints. A staff member with a rank of captain or higher may order an incarcerated person to be subjected to the use of physical restraints for an initial period of not more than two hours. Only a staff member with a rank of deputy warden or warden or the commissioner or deputy commissioner may order the use of physical restraints upon such person for an additional period of not more than two hours, provided no incarcerated person is
subjected to physical restraints for more than four hours in any twenty-four-hour period.

(d) (1) The department may subject an incarcerated person to the use of seclusion or restraints in response to a psychiatric emergency pursuant to subdivisions (2) and (3) of this subsection, provided a therapist attempts to defuse the instant situation by using de-escalation methods and less restrictive measures and such methods and measures fail to defuse the instant situation.

(2) If subjecting an incarcerated person to seclusion or restraints in response to a psychiatric emergency pursuant to this subsection, the department shall:

(A) Ensure any such seclusion occurs or restraints are imposed only within medical units of the correctional facility;

(B) Ensure that the only restraints employed are soft restraints or pharmacological restraints;

(C) Ensure that no soft restraints be employed if pharmacological restraints have already alleviated the risk of a serious incident or imminent physical harm and that no pharmacological restraints may be administered if soft restraints have alleviated such risk;

(D) Ensure a medical professional checks the imposition of restraints and every two hours thereafter to ensure adequate circulation and range of movement to avoid pain and that a medical professional continually monitors through direct observation of the person while such person is subject to restraints under this subsection;

(E) Continue de-escalation efforts; and

(F) End the use of seclusion or restraints on the incarcerated person as soon as threat of the serious incident or imminent physical harm has passed.

(3) Only a therapist may order an incarcerated person to be subjected
to the use of restraints pursuant to this subsection. After an in-person
evaluation by a therapist of an incarcerated person and a determination
by the therapist that restraints are necessary to prevent a substantiated
threat of imminent physical harm by an incarcerated person to
themselves or others due to an acute disturbance of behavior, thought
or mood, the therapist may order such person to be subjected to
restraints for an initial period of not more than two hours. A therapist
may only order an incarcerated person to be subjected for an additional
period of restraint that is not longer than two hours if such therapist,
after an in-person evaluation, determines that restraints remain
necessary to prevent a substantiated threat of imminent physical harm
by an incarcerated person to themselves or others due to an acute
disturbance of behavior, thought or mood.

(4) The department shall develop standards to enable staff members
to determine whether the use of restraints or seclusion is
contraindicated for each incarcerated person, based on such person's
medical and psychiatric status. The department shall inform each
incarcerated person of their restraint or seclusion status and shall
maintain such person's restraint or seclusion status in a place easily
visible to staff members in the event of an emergency response.

(e) (1) Any time the department restrains or confines a person
pursuant to subsection (b), (c) or (d) of this section, the department shall:

(A) Video and audio record each such incident from the moment the
use of restraints or confinement is imposed until the conclusion of such
usage; and

(B) Document de-escalation methods attempted, the cause for
imposition of use of restraints or confinement, the method and duration
of restraints, if used.

(2) The department shall retain any video or audio record or
document created pursuant to subdivision (1) of this subsection for a
period of not less than five years from the moment of its creation.
[(b)] (f) The Department of Correction shall publish on its Internet web site (1) the formula for calculating an inmate's mental health score, and (2) a description of any form and phase of housing employed at any of its correctional facilities for incarcerated persons held in isolated confinement, (3) any report pursuant to subsection (g) of this section, and (4) data used in such report in a downloadable, sortable format.

[(c)] (g) The Department of Correction shall at least annually submit to the Criminal Justice Policy and Planning Division established under section 4-68m a report containing as aggregated and anonymized the following data:

(1) The number of incarcerated persons in isolated confinement in this state's correctional facilities, as of the first day of each of the twelve months preceding the date of the submission of the report. The department shall report and disaggregate such data based on an inmate's age, gender identity, ethnicity, mental health score as calculated by the department, if any, and the form and phase of housing in which such inmate is held on restrictive housing status and the total number of persons subjected to isolated confinement during the twelve months preceding the date of submission of the report;

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

(A) One to fifteen days;

(B) Sixteen to thirty days;

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

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

(E) Three hundred sixty-six to seven hundred thirty days;
(F) Seven hundred thirty-one to one thousand ninety-five days;

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

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

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

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

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

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

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

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

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

(2) A list of unique individuals in the custody of the department in the twelve months preceding the date of the submission of the report subjected to any form of isolated confinement. The list shall include the following information for each person: Age, gender identity, ethnicity, reason for placement in isolation, total number of days spent in isolated
confinement in the previous calendar year, total number of days spent in isolated confinement over the course of the entire period of incarceration, specific restrictive housing status, if any, and mental health score as calculated by the department, if any;

(3) A list of unique individuals in the custody of the department in the twelve months preceding the date of the submission of the report subjected to restraints. The list shall include the following information for each person: Age, gender identity, ethnicity, total number of hours spent in restraints in the previous calendar year, specific restrictive housing status, if any, and mental health score as calculated by the department, if any;

(4) The number of incidents, broken down by correctional facility, for each of the following in the previous calendar year and categorized as:

(A) Suicides;

(B) Attempted suicides;

(C) Self-harm;

(D) Use of force by staff members against incarcerated persons;

(E) Assults by incarcerated persons on staff members; and

(F) Assaults between incarcerated persons.

(5) The number of incarcerated persons subjected to more than seventy-two hours of isolated confinement in the previous calendar year as categorized by the following periods of time:

(A) Up to fifteen days;

(B) Sixteen to thirty days;

(C) Thirty-one to seventy-nine days; or

(D) Eighty or more days; and
[(4)] (6) Actions taken by the department during the twelve months preceding the date of the submission of the report to minimize reliance on administrative segregation status and to mitigate the harmful effects of administrative segregation status on incarcerated persons, staff members and the public.

[(d)] (h) The department shall not hold any person under eighteen years of age on administrative segregation status.

[(e)] (i) Not later than January 1, 2019, the Commissioner of Correction shall study and submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to corrections regarding the use and oversight of all forms and phases of housing for inmates on restrictive housing status.

[(f)] (j) The provisions of subsections (a) to [(d)] (h), inclusive, of this section do not apply to any incarcerated person described in subsection (a) of section 18-10b.

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

(1) The recognition of symptoms of mental illness;

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

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

(4) Consequences of untreated mental illness;

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

(6) The recognition of and techniques for mitigating trauma and vicarious trauma; and
De-escalation and communication techniques to divert inmates from situations that may lead to the inmate being placed on administrative segregation status.

Within available appropriations, the Department of Correction shall take measures to promote the wellness of employees of the department who interact with inmates. These measures may include, but need not be limited to:

1. Employee assistance programs;
2. Development and use of strategies to prevent and treat trauma-related effects on employees;
3. Peer support programs; and
4. Stress management training.

Sec. 4. Section 18-81gg of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) (1) The Commissioner of Correction shall establish visitation policies for [any inmate who is a parent to a child under the age of eighteen] incarcerated persons. Such policies shall:

(A) Permit at least one sixty-minute contact social visit per week;
(B) Permit visitors who are members of an incarcerated person's immediate family, extended family, unmarried coparents, unmarried romantic partners and close personal friends. No person's past criminal conviction shall be the sole or primary basis for denying a person's application to visit;
(C) Provide that no incarcerated person may be restrained during a contact social visit; and
(D) Provide that no incarcerated person may be deprived of a contact social visit under this subsection without a hearing at which the Department of Correction shall bear the burden to show by clear and
convincing evidence that the denial of contact social visits is necessary
(i) to protect against a substantiated threat of imminent physical harm
to department employees, the visitor or another person; or (ii) to prevent
the introduction of contraband.

(2) The department may not deprive an incarcerated person of
contact social visits provided for in this subsection for a period in excess
of ninety days.

(3) Any policies developed pursuant to subdivision (1) of this
subsection for any incarcerated person who is a parent to a child under
the age of eighteen shall include, but need not be limited to, rules
regarding: [(1)] (A) Physical contact, [(2)] (B) convenience and frequency
of visits, and [(3)] (C) access to child-friendly visiting areas.

(4) For purposes of this subsection, "contact social visit" means an in-
person meeting between an incarcerated person and an approved
visitor who are not separated from each other by any physical divider,
including, but not limited to, a screen or partition.

(5) The provisions of this subsection do not apply to any incarcerated
person described in subsection (a) of section 18-10b.

(b) (1) The commissioner shall establish policies concerning mail to
and from incarcerated persons. Such policies shall:

(A) Provide that each incarcerated person may write, send and
receive letters, without limitation on the number of any such letters such
incarcerated person receives, or writes and sends at his or her own
personal expense, and

(B) Prohibit unnecessary delays in the processing of incoming and
outgoing mail to or from an incarcerated person.

(2) Each correctional facility commissary shall sell: (A) Stationery,
envelopes, postcards, greeting cards and postage; and (B) aerogramme
folding letters for foreign air mail letters.
(3) The department shall provide each incarcerated person the following items free of charge:

(A) Materials and postage needed to send two social letters per week;

(B) A writing instrument; and

(C) At least twenty sheets of writing paper, per month and eight letter-size envelopes with postage for eight letters per month, for purposes including, but not limited to, social letters. Additional sheets of paper for letters to the court or attorneys may be authorized upon reasonable requests that demonstrate the need for such items by the incarcerated person.

(4) The department may not deprive an incarcerated person the ability to write, send or receive letters provided for in this subsection as a matter of discipline, retaliation or convenience.

(c) (1) The commissioner shall establish policies concerning telephone calls to and from incarcerated persons. Such policies shall:

(A) Ensure incarcerated persons may make or receive at least two social phone calls per week;

(B) Ensure incarcerated persons may make telephone calls that last in total time up to sixty minutes free of charge for social telephone calls; and

(C) Prohibit the department from depriving an incarcerated person of telephone calls provided for in this subsection as a matter of discipline, retaliation or convenience.

Sec. 5. Subdivision (16) of section 31-275 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(16) (A) "Personal injury" or "injury" includes, in addition to accidental injury that may be definitely located as to the time when and
the place where the accident occurred, an injury to an employee that is causally connected with the employee's employment and is the direct result of repetitive trauma or repetitive acts incident to such employment, and occupational disease.

(B) "Personal injury" or "injury" shall not be construed to include:

(i) An injury to an employee that results from the employee's voluntary participation in any activity the major purpose of which is social or recreational, including, but not limited to, athletic events, parties and picnics, whether or not the employer pays some or all of the cost of such activity;

(ii) A mental or emotional impairment, unless such impairment (I) arises from a physical injury or occupational disease, (II) in the case of a police officer of the Division of State Police within the Department of Emergency Services and Public Protection, an organized local police department or a municipal constabulary, or a correction officer employed by the Department of Correction, arises from such officer's use of deadly force or subjection to deadly force in the line of duty, regardless of whether such officer is physically injured, provided such officer is the subject of an attempt by another person to cause such officer serious physical injury or death through the use of deadly force, and such officer reasonably believes such officer to be the subject of such an attempt, or (III) in the case of a police officer, parole officer, correction officer or firefighter, is a diagnosis of post-traumatic stress disorder as defined in section 31-294k, as amended by this act, that meets all the requirements of section 31-294k, as amended by this act. As used in this clause, "in the line of duty" means any action that a police officer or correction officer is obligated or authorized by law, rule, regulation or written condition of employment service to perform, or for which the police officer, correction officer or firefighter is compensated by the public entity such officer serves;

(iii) A mental or emotional impairment that results from a personnel
action, including, but not limited to, a transfer, promotion, demotion or termination; or

(iv) Notwithstanding the provisions of subparagraph (B)(i) of this subdivision, "personal injury" or "injury" includes injuries to employees of local or regional boards of education resulting from participation in a school-sponsored activity but does not include any injury incurred while going to or from such activity. As used in this clause, "school-sponsored activity" means any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property and "participation" means acting as a chaperone, advisor, supervisor or instructor at the request of an administrator with supervisory authority over the employee.

Sec. 6. Section 31-294k of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) As used in this section:

(1) "Correction officer" means a correction officer employed by the Department of Correction;

[(1)] (2) "Firefighter" has the same meaning as provided in section 7-313g;

[(2)] (3) "In the line of duty" means any action that a police officer, parole officer, correction officer or firefighter is obligated or authorized by law, rule, regulation or written condition of employment service to perform, or for which the officer or firefighter is compensated by the public entity such officer or firefighter serves, except that, in the case of a volunteer firefighter, such action or service constitutes fire duties, as defined in subsection (b) of section 7-314b;

[(3)] (4) "Mental health professional" means a board-certified psychiatrist or a psychologist licensed pursuant to chapter 383, who has experience diagnosing and treating post-traumatic stress disorder;

[(4)] (5) "Parole officer" means an employee of the Department of
Correction who supervises inmates in the community after their release from prison on parole or under another prison release program;

[(5)] (6) "Police officer" has the same meaning as provided in section 7-294a, except that "police officer" does not include an officer of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut;

[(6)] (7) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder as specified in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; and

[(7)] (8) "Qualifying event" means an event occurring in the line of duty on or after July 1, 2019, in which a police officer, parole officer, correction officer or firefighter:

(A) Views a deceased minor;

(B) Witnesses the death of a person or an incident involving the death of a person;

(C) Witnesses an injury to a person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause;

(D) Has physical contact with and treats an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause;

(E) Carries an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause; or

(F) Witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim.
(b) A diagnosis of post-traumatic stress disorder is compensable as a personal injury as described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-275.2, as amended by this act, if a mental health professional examines a police officer, parole officer, correction officer or firefighter and diagnoses the officer or firefighter with post-traumatic stress disorder as a direct result of a qualifying event, provided (1) the post-traumatic stress disorder resulted from the officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with Federal Occupational Safety and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156, (2) a qualifying event was a substantial factor in causing the disorder, (3) such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder, and (4) the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action of the officer or firefighter. Any such mental health professional shall comply with any workers' compensation guidelines for approved medical providers, including, but not limited to, guidelines on release of past or contemporaneous medical records.

(c) Whenever liability to pay compensation is contested by the employer, the employer shall file with the commissioner, on or before the twenty-eighth day after the employer has received a written notice of claim, a notice in accordance with a form prescribed by the chairperson of the Workers' Compensation Commission stating that the right to compensation is contested, the name of the claimant, the name of the employer, the date of the alleged injury and the specific grounds on which the right to compensation is contested. The employer shall send a copy of the notice to the employee in accordance with section 31-321. If the employer or the employer's legal representative fails to file the notice contesting liability on or before the twenty-eighth day after receiving the written notice of claim, the employer shall commence payment of compensation for such injury on or before the twenty-eighth day after receiving the written notice of claim, but the employer may contest the employee's right to receive compensation on any grounds or
the extent of the employee's disability within one hundred eighty days
from the receipt of the written notice of claim and any benefits paid
during the one hundred eighty days shall be considered payments
without prejudice, provided the employer shall not be required to
commence payment of compensation when the written notice of claim
has not been properly served in accordance with section 31-321 or when
the written notice of claim fails to include a warning that the employer
(1) if the employer has commenced payment for the alleged injury on or
before the twenty-eighth day after receiving a written notice of claim,
shall be precluded from contesting liability unless a notice contesting
liability is filed within one hundred eighty days from the receipt of the
written notice of claim, and (2) shall be conclusively presumed to have
accepted the compensability of the alleged injury unless the employer
either files a notice contesting liability on or before the twenty-eighth
day after receiving a written notice of claim or commences payment for
the alleged injury on or before such twenty-eighth day. An employer
shall be entitled, if the employer prevails, to reimbursement from the
claimant of any compensation paid by the employer on and after the
date the commissioner receives written notice from the employer or the
employer's legal representative, in accordance with the form prescribed
by the chairperson of the Workers' Compensation Commission, stating
that the right to compensation is contested. Notwithstanding the
provisions of this subsection, an employer who fails to contest liability
for an alleged injury on or before the twenty-eighth day after receiving
a written notice of claim and who fails to commence payment for the
alleged injury on or before such twenty-eighth day, shall be conclusively
presumed to have accepted the compensability of the alleged injury. If
an employer has opted to post an address of where notice of a claim for
compensation by an employee shall be sent, as described in subsection
(a) of section 31-294c, the twenty-eight-day period set forth in this
subsection shall begin on the date when such employer receives written
notice of a claim for compensation at such posted address.

(d) Notwithstanding any provision of this chapter, workers'
compensation benefits for any police officer, parole officer, correction
officer or firefighter for a personal injury described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-275, as amended by this act, shall (1) include any combination of medical treatment prescribed by a board-certified psychiatrist or a licensed psychologist, temporary total incapacity benefits under section 31-307 and temporary partial incapacity benefits under subsection (a) of section 31-308, and (2) be provided for a maximum of fifty-two weeks from the date of diagnosis. No medical treatment, temporary total incapacity benefits under section 31-307 or temporary partial incapacity benefits under subsection (a) of section 31-308 shall be awarded beyond four years from the date of the qualifying event that formed the basis for the personal injury. The weekly benefits received by an officer or a firefighter pursuant to section 31-307 or subsection (a) of section 31-308, when combined with other benefits including, but not limited to, contributory and noncontributory retirement benefits, Social Security benefits, benefits under a long-term or short-term disability plan, but not including payments for medical care, shall not exceed the average weekly wage paid to such officer or firefighter. An officer or firefighter receiving benefits pursuant to this subsection shall not be entitled to benefits pursuant to subsection (b) of section 31-308 or section 31-308a.

Sec. 7. Section 31-294h of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

Notwithstanding any provision of this chapter, workers' compensation benefits for any correction officer or police officer, as described in subparagraph (B)(ii)(II) of subdivision (16) of section 31-275, as amended by this act, who suffers a mental or emotional impairment arising from such [police] officer’s use of deadly force or subjection to deadly force in the line of duty, shall be limited to treatment by a psychologist or a psychiatrist who is on the approved list of practicing physicians established by the chairperson of the Workers' Compensation Commission pursuant to section 31-280.

Sec. 8. Section 7-294ff of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):
(a) Not later than January 1, 2022, the Police Officer Standards and Training Council, established under section 7-294b, the Department of Correction and the Commission on Fire Prevention and Control shall develop and promulgate a model critical incident and peer support policy to support the mental health care and wellness of police officers, as defined in section 7-294a, parole officers, as defined in section 31-294k, as amended by this act, correction officers employed by the Department of Correction and firefighters, as defined in section 31-294k, as amended by this act.

(b) Not later than July 1, 2022, each law enforcement unit as defined in section 7-294a, the Department of Correction as employer of parole officers and correction officers, each municipal or state paid or volunteer fire department and each municipal entity employing a fire marshal, deputy fire marshal, fire investigator, fire inspector or other class of investigator or inspector for whom the State Fire Marshal and the Codes and Standards Committee, acting jointly, have adopted minimum standards of qualification pursuant to section 29-298, shall (1) adopt and maintain a written policy that meets or exceeds the standards of the model policy developed pursuant to subsection (a) of this section; (2) make peer support available to such officers and firefighters; and (3) refer an officer or firefighter, as appropriate, seeking mental health care services to a mental health professional, as defined in section 31-294k, as amended by this act.

Sec. 9. Section 18-82a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

In consultation with the Department of Mental Health and Addiction Services, the Department of Correction shall provide resilience and self-care technique training for each parole officer, as defined in section 31-294k, as amended by this act, hired on or after January 1, 2020, and each correction officer hired on or after January 1, 2022.

This act shall take effect as follows and shall amend the following sections:
<table>
<thead>
<tr>
<th>Section 1</th>
<th>from passage</th>
<th>New section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 2</td>
<td>October 1, 2021</td>
<td>18-81jj</td>
</tr>
<tr>
<td>Sec. 3</td>
<td>October 1, 2021</td>
<td>18-96b</td>
</tr>
<tr>
<td>Sec. 4</td>
<td>October 1, 2021</td>
<td>18-81gg</td>
</tr>
<tr>
<td>Sec. 5</td>
<td>October 1, 2021</td>
<td>31-275(16)</td>
</tr>
<tr>
<td>Sec. 6</td>
<td>October 1, 2021</td>
<td>31-294k</td>
</tr>
<tr>
<td>Sec. 7</td>
<td>October 1, 2021</td>
<td>31-294h</td>
</tr>
<tr>
<td>Sec. 8</td>
<td>October 1, 2021</td>
<td>7-294ff</td>
</tr>
<tr>
<td>Sec. 9</td>
<td>October 1, 2021</td>
<td>18-82a</td>
</tr>
</tbody>
</table>

**Statement of Purpose:**
To (1) establish the Correction Accountability Commission, (2) enhance correction ombuds services, (3) restrict the use of isolated confinement and restraints in correctional facilities, (4) increase transparency concerning restrictive housing measures and the use of restraints in correctional facilities, (5) develop policies concerning social contacts for incarcerated persons, and (6) provide training and certain workers' compensation benefits to correction officers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]