



**Substitute Senate Bill No. 1059**

**Public Act No. 21-110**

**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.**

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

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 Section 18-81jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):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

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(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; [,]

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

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

(F) Reviewing the operation of 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;

(H) Recommending procedure and policy revisions to the department; [, and (5) publishing]

(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 in the custody of the commissioner; and

(J) Publishing a [quarterly] semiannual 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

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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 Governor shall nominate a person qualified by training and experience to perform and lead the office of Correction Ombuds. Any nomination by the Governor for appointment of Correction Ombuds shall be referred, without debate, to the joint standing committee of the General Assembly having cognizance of matters relating to corrections which shall report on each appointment not later than thirty days after the date of reference. Each such appointment by the General Assembly shall be by concurrent resolution.

(2) The person appointed as Correction Ombuds shall serve for an initial term of two years and may serve until a successor is appointed and confirmed in accordance with this section and be reappointed for succeeding terms.

(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, the candidate designated for appointment by the Governor shall serve as the 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.

(4) Notwithstanding any 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

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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 and the joint standing committees of the General Assembly having cognizance of matters relating to corrections, public health and human services 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 or appellate procedures of the Department of Correction.

(d) 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

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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.

(e) 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.

(f) 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.

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(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. The person to whom such subpoena is issued may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance if such time is less than fifteen days after service, serve upon the Correction Ombuds written objection to the subpoena and file such objection in the superior court for the judicial district of Hartford which shall adjudicate such objection in accordance with the rules of the court. If any person to whom such subpoena is issued fails to so object to or 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

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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. A person may appeal any determination not to disclose information pursuant to this section in accordance with section 4-183.

(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 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 or her duties with the program within the scope of his or her employment 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

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confinement in the state's correctional facilities and halfway houses.

Sec. 2. Section 18-96b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(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;

~~[(1)]~~ (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 the 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 the 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;

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(8) "Isolated confinement" means confinement of an incarcerated person in a cell, alone or with others, for more than seventeen and one-half 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 self-harming 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

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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

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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 such person's 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

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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;

(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

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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 licensed pursuant to chapter 383, (C) marital and family therapist licensed pursuant to chapter 383a, (D) clinical social worker or master social worker licensed pursuant to chapter 383b, or (E) professional counselor licensed pursuant to chapter 383c;

(24) "Unique individual" means a person who, for data collection purposes, is associated with a unique identifier that is anonymized; and

(25) "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) On and after July 1, 2022, each incarcerated person shall have the opportunity to be outside of his or her cell for at least six and one-half hours each day, except for those incarcerated persons on restrictive housing status, or as otherwise provided in the case of an incarcerated person held in seclusion pursuant to subsection (d) of this section or except as provided in subdivision (4) of this subsection or 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.

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(2) On and after July 1, 2023, each incarcerated person shall have the opportunity to be outside of his or her cell for at least six and one-half hours each day, including those incarcerated persons on restrictive housing status, except in the case of an incarcerated person held in seclusion pursuant to subsection (d) of this section or except as provided in subdivision (4) of this subsection or 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.

(3) Prior to holding any incarcerated person in isolated confinement due to one of the situations described in subparagraph (A), (B) or (C) of subdivision (1) 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 hold a person in isolated confinement.

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

(A) Not later than twenty-four hours after initiating the process of holding such person in isolated confinement, ensure a physician personally conducts a physical examination and a therapist personally conducts a mental health evaluation of such person to determine whether such person is a member of a vulnerable population;

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

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

(D) Continue de-escalation efforts; and

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(E) End isolated confinement of the person as soon as the threat of the serious incident or of imminent physical harm to others has passed or such person no longer requests segregation for such person's protection.

(5) 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 continuous period longer than seventy-two hours, or for more than seventy-two hours during any fourteen-day period.

(6) 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. If there is no staff member on duty during a period of time at a facility with the rank of captain or higher, the warden of such facility may authorize an officer who has the highest rank of those on duty during such period of time to have the ability to 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,

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except as provided in subsection (d) of this section, or (C) physical restraints except as provided in subsection (d) of this section or 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

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soon as the 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 (i) soft restraints be employed if pharmacological restraints have already been administered and have alleviated the risk of a serious incident or imminent physical harm, and (ii) pharmacological restraints may be administered if soft restraints have

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already been employed and have alleviated such risk;

(D) Ensure a medical professional checks the imposition of restraints and every two hours thereafter checks to ensure adequate circulation and range of movement to avoid pain and that a medical professional continually monitors, through direct observation, such 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 the 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 himself or herself 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 himself or herself 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

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maintain such person's restraint or seclusion status in a place easily visible to staff members in the event that an emergency response is necessary.

(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 the imposition of use of restraints or confinement and the method and duration of any restraint 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 date 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 [inmates on restrictive housing status] 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] disaggregated and anonymized the following data:

(1) The number of [inmates on restrictive housing status] 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

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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

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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; and]

(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;

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(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) Assaults 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 [inmates] 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] 2021, the Commissioner of

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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 [the judiciary] 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 [inmate] incarcerated person described in subsection (a) of section 18-10b.

[(g)] (k) Within available appropriations, the [Department of Correction] department 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; [and]
- (6) The recognition of and techniques for mitigating trauma and vicarious trauma; and

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

[(h)] (l) 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

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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;

~~[(2)]~~ (3) Peer support programs; and

~~[(3)]~~ (4) Stress management training.

Sec. 3. 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 visitation by 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, except one who has a history of contraband violations, may be deprived of a contact social visit under this subsection without first having a hearing at which the Department of Correction shall bear the burden of showing 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

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introduction of contraband. If the department fails to make such showing, the incarcerated person shall have such contact social visits reinstated. Any such incarcerated person who has a history of contraband violations may be deprived of contact social visits without first having a hearing, provided such person may request a hearing to have such contact social visits reinstated. Hearings conducted pursuant to this subparagraph shall be guided by written procedures developed under section 5 of this act. Any incarcerated person who has a social contact visit denied pursuant to this section shall have an opportunity for a social visit not involving contact in the place of such social contact visit.

(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

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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 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.

Sec. 4. (*Effective from passage*) (a) The Commissioner of Correction may, not later than July 1, 2023, develop a plan to govern how each incarcerated person on restrictive housing status shall have the opportunity to be outside of his or her cell for at least six and one-half hours each day, except as otherwise provided in subsection (b) of section 18-96b of the general statutes, as amended by this act. Regardless of whether such plan is developed, each such incarcerated person shall have the opportunity to be outside of his or her cell for at least six and one-half hours each day, as provided in said subsection (b).

(b) Not later than two weeks after any plan is developed pursuant to subsection (a) of this section, the commissioner shall report such plan in accordance with the provisions of section 11-4a of the general statutes to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction.

Sec. 5. (*Effective from passage*) Not later than September 30, 2021, the Commissioner of Correction shall develop written procedures for hearings conducted pursuant to section 18-81gg of the general statutes, as amended by this act. Such procedures shall guide such hearings on and after October 1, 2021. Not later than October 1, 2021, the

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commissioner shall report such procedures in accordance with the provisions of section 11-4a of the general statutes to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction.

Vetoed June 30, 2021