



Senate

General Assembly

File No. 524

February Session, 2022

Substitute Senate Bill No. 459

Senate, April 19, 2022

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

***AN ACT CONCERNING THE CORRECTION ADVISORY COMMITTEE,
THE USE OF ISOLATED CONFINEMENT AND TRANSPARENCY FOR
CONDITIONS OF INCARCERATION.***

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

1 Section 1. Section 18-81jj of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 [(a) For the purposes of this section, "ombudsman services" includes
4 (1) the receipt of complaints by the ombudsman from persons eighteen
5 years of age or younger in the custody of the Commissioner of
6 Correction regarding decisions, actions, omissions, policies, procedures,
7 rules or regulations of the Department of Correction, (2) investigating
8 such complaints, rendering a decision on the merits of each complaint
9 and communicating the decision to the complainant, (3) recommending
10 to the commissioner a resolution of any complaint found to have merit,
11 (4) recommending policy revisions to the department, and (5)
12 publishing a quarterly report of all ombudsman services activities.

13 (b) The Commissioner of Correction shall hire a person to provide
14 ombudsman services and shall annually report the name of such person
15 to the joint standing committee of the General Assembly having
16 cognizance of matters relating to the Department of Correction in
17 accordance with the provisions of section 11-4a. In addition to the
18 executive assistant positions authorized under subdivision (10) of
19 section 5-198, the commissioner may hire an executive assistant to carry
20 out the duties of this section.

21 (c) Prior to any person eighteen years of age or younger in the custody
22 of the Commissioner of Correction obtaining ombudsman services, such
23 person shall have reasonably pursued a resolution of the complaint
24 through any existing internal grievance of appellate procedures of the
25 Department of Correction.

26 (d) All oral and written communications, and records relating to such
27 communications between a person eighteen years of age or younger in
28 the custody of the Commissioner of Correction and the ombudsman or
29 a member of the ombudsman's staff, including, but not limited to, the
30 identity of a complainant, the details of a complaint and the
31 investigative findings and conclusions of the ombudsman shall be
32 confidential and shall not be disclosed without the consent of the
33 person, except that the ombudsman may disclose without the consent
34 of the person (1) such communications or records as may be necessary
35 for the ombudsman to conduct an investigation and support any
36 recommendations the ombudsman may make, or (2) the formal
37 disposition of a person's complaint when requested in writing by a court
38 that is hearing such person's application for a writ of habeas corpus that
39 was filed subsequent to an adverse finding by the ombudsman on such
40 person's complaint.

41 (e) Notwithstanding the provisions of subsection (d) of this section,
42 whenever in the course of providing ombudsman services, the
43 ombudsman or a member of the ombudsman's staff becomes aware of
44 the commission or planned commission of a criminal act or a threat to
45 the health and safety of any person or the security of a correctional

46 facility, the ombudsman shall notify the Commissioner of Correction or
47 a facility administrator of such act or threat and the nature and target of
48 the act or threat.

49 (f) If the Commissioner of Correction has a reasonable belief that a
50 person eighteen years of age or younger in the custody of the
51 commissioner has made or provided to the ombudsman an oral or
52 written communication concerning a safety or security threat within the
53 Department of Correction or directed against an employee of the
54 department, the ombudsman shall provide to the commissioner all oral
55 or written communications relevant to such threat.]

56 (a) There is established the Correction Advisory Committee that shall
57 consist of nine members. Such members shall be appointed as follows:

58 (1) One who is directly impacted, appointed by the Senate
59 chairperson of the joint standing committee of the General Assembly
60 having cognizance of matters relating to the Department of Correction;

61 (2) One who has expertise in law, specifically the rights of
62 incarcerated persons, appointed by the House chairperson of the joint
63 standing committee of the General Assembly having cognizance of
64 matters relating to the Department of Correction;

65 (3) One who has a demonstrated interest in advancing the rights and
66 welfare of incarcerated persons, appointed by the president pro tempore
67 of the Senate;

68 (4) One who has a demonstrated interest in advancing the rights and
69 welfare of incarcerated persons, appointed by the speaker of the House
70 of Representatives;

71 (5) One who has expertise in the provision of mental health care to
72 incarcerated persons or formerly incarcerated persons, appointed by the
73 minority leader of the Senate;

74 (6) One who has expertise in the provision of medical care to
75 incarcerated persons or formerly incarcerated persons, appointed by the

76 minority leader of the House of Representatives; and

77 (7) Three who are appointed by the Governor, one of whom has
78 expertise in corrections and two of whom are directly impacted.

79 (b) For purposes of subsection (a) of this section, "directly impacted"
80 means (1) a person who was previously incarcerated within a facility
81 operated by the department and is no longer under probation or any
82 supervision by the department, or (2) a family member of a person
83 described in subdivision (1) of this subsection or of a person who is in
84 the custody of the Commissioner of Correction.

85 (c) All appointments to the committee, including vacancy
86 appointments which shall be filled by the appointing authority having
87 the power to make the original appointment, shall be made as follows:

88 (1) Not later than thirty days after the effective date of this section or
89 after any vacancy, each appointing authority or any such authority
90 filling a vacancy shall submit a letter designating such authority's
91 appointment or appointments to the joint standing committee of the
92 General Assembly having cognizance of matters relating to the
93 Department of Correction. Such joint standing committee shall post
94 such letters on its Internet web site. The Senate and House chairpersons
95 of such joint standing committee shall schedule a public hearing of such
96 proposed appointments to be conducted not later than forty days after
97 the effective date of this section, or ten days after the submission of a
98 letter in the case of a vacancy.

99 (2) After such hearing, each appointing authority shall confirm or
100 withdraw such authority's appointment or appointments. Any
101 appointing authority who withdraws an appointment shall, not later
102 than ten days after such withdrawal, submit a new letter to such joint
103 standing committee of the General Assembly designating a different
104 appointment or appointments, which shall initiate the hearing and
105 approval or withdrawal process pursuant to subdivision (1) of this
106 subsection and this subdivision for such appointment or appointments.

107 (d) The chairpersons of the Correction Advisory Committee shall be
108 the members appointed pursuant to subdivisions (1) and (2) of
109 subsection (a) of this section. Such chairpersons shall schedule the first
110 meeting of said committee, which shall be held not later than sixty days
111 after the effective date of this section.

112 (e) Each committee member shall serve a four-year term, except that
113 each initial term shall run for four years from February 1, 2023. Each
114 committee member may serve up to two terms. In the event of a vacancy
115 appointment, the member appointed to fill the vacancy shall serve the
116 remainder of the original member's four-year term and may be
117 reappointed for up to two more terms.

118 (f) Each member shall serve without compensation but shall, within
119 available appropriations, be reimbursed for necessary expenses that
120 such member may incur through service on the Correction Advisory
121 Committee.

122 (g) Each member shall, not later than ten days after the first meeting
123 of the Correction Advisory Committee in which such member
124 participates, take an oath of office to diligently and honestly administer
125 the affairs of said committee. The oath shall be administered by a
126 chairperson of said committee.

127 (h) A majority of the members appointed to the Correction Advisory
128 Committee shall constitute a quorum, which shall be necessary for the
129 committee to conduct business. A majority vote of the members present
130 shall be required for action of the committee.

131 (i) The state of Connecticut shall protect and hold harmless any
132 committee member from financial loss and expense, including legal fees
133 and costs, if any, arising out of any claim, demand or suit for damages
134 resulting from acts or omissions committed in the discharge of the
135 member's official duties pursuant to this section which may constitute
136 negligence but which acts are not wanton, malicious or grossly
137 negligent as determined by a court of competent jurisdiction.

138 (j) The Correction Advisory Committee shall perform the following
139 functions:

140 (1) Submit a list of candidates for Correction Ombuds for the
141 Governor's consideration, pursuant to subsection (k) of this section;

142 (2) Review the actions of the Correction Ombuds pursuant to section
143 2 of this act;

144 (3) Meet not less than quarterly to bring matters to the Correction
145 Ombuds' attention and to consult on the Correction Ombuds' services,
146 findings and recommendations; and

147 (4) Convene semiannual public hearings to discuss the Correction
148 Ombuds' services, findings and recommendations.

149 (k) Not later than eighty days after the effective date of this section or
150 not later than sixty days after any vacancy in the position of Correction
151 Ombuds, the Correction Advisory Committee shall solicit applications
152 for such position and meet to consider and interview the most qualified
153 candidates who are residents of this state for such position. Said
154 committee shall select not fewer than three and not more than five of the
155 most outstanding candidates, publish the names of such selected
156 candidates on said committee's Internet web site and hold a public
157 hearing allowing testimony from members of the public concerning the
158 selected candidates. Said committee shall submit to the Governor a list
159 of selected candidates. Such list shall rank the candidates in the order of
160 committee preference.

161 (l) Not later than thirty days after receiving the list submitted under
162 subsection (k) of this section, the Governor, with the approval of the
163 General Assembly, shall appoint a person qualified by training and
164 experience as the Correction Ombuds. If at any time any of the
165 candidates withdraw from consideration prior to confirmation by the
166 General Assembly, the designation shall be made from the remaining
167 candidates on the list submitted to the Governor. If, not later than thirty
168 days after receiving the list, the Governor fails to designate a candidate

169 from the list, the candidate ranked first shall receive the designation and
170 be referred to the General Assembly for confirmation. If the General
171 Assembly is not in session, the designated candidate shall serve as
172 acting Correction Ombuds and be entitled to the compensation,
173 privileges and powers of the Correction Ombuds until the General
174 Assembly meets to take action on said appointment.

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

179 (n) Upon any vacancy in the position of Correction Ombuds and until
180 such time as a candidate has been confirmed by the General Assembly
181 or, if the General Assembly is not in session, has been designated by the
182 Governor, the Associate Correction Ombuds, as designated by the
183 Correction Advisory Committee, shall serve as the acting Correction
184 Ombuds and be entitled to the compensation, privileges and powers of
185 the Correction Ombuds until the General Assembly meets to take action
186 on said appointment.

187 Sec. 2. (NEW) (*Effective July 1, 2022*) (a) (1) There is, within the Office
188 of Governmental Accountability established under section 1-300 of the
189 general statutes, as amended by this act, the Office of the Correction
190 Ombuds for the provision of ombuds services. The Correction Ombuds
191 appointed pursuant to section 18-81jj of the general statutes, as amended
192 by this act, shall be the head of said office.

193 (2) For purposes of this section, "ombuds services" includes:

194 (A) Evaluating the delivery of services to incarcerated persons by the
195 Department of Correction;

196 (B) Reviewing periodically the procedures established by the
197 department to carry out the provisions of title 18 of the general statutes
198 and evaluating whether such procedures conflict with the rights of
199 incarcerated persons;

200 (C) Receiving communications from persons in the custody of the
201 Commissioner of Correction regarding decisions, actions, omissions,
202 policies, procedures, rules or regulations of the department;

203 (D) Conducting site visits of correctional facilities administered by
204 the department;

205 (E) Reviewing the operation of correctional facilities and
206 nonemergency procedures employed at such facilities. Nonemergency
207 procedures include, but are not limited to, the department's use of force
208 procedures;

209 (F) Recommending procedure and policy revisions to the
210 department;

211 (G) Taking all possible actions, including, but not limited to,
212 conducting programs of public education, undertaking legislative
213 advocacy and making proposals for systemic reform and formal legal
214 action in order to secure and ensure the rights of persons in the custody
215 of the commissioner. The Correction Ombuds shall exhaust all other
216 means to reach a resolution before initiating litigation; and

217 (H) Publishing on an Internet web site operated by the Office of the
218 Correction Ombuds a semiannual summary of all ombuds services and
219 activities during the six-month period before such publication.

220 (b) Notwithstanding any provision of the general statutes, the
221 Correction Ombuds shall act independently of any department in the
222 performance of the office's duties.

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

227 (d) The General Assembly shall annually appropriate such sums as
228 necessary for the payment of the salaries of the staff and for the payment
229 of office expenses and other actual expenses incurred by the Correction

230 Ombuds in the performance of the Correction Ombuds' duties. Any
231 legal or court fees obtained by the state in actions brought by the
232 Correction Ombuds shall be deposited in the General Fund.

233 (e) In the course of investigations, the Correction Ombuds shall rely
234 on a variety of sources to corroborate matters raised by incarcerated
235 persons or others. Where such matters turn on validation of particular
236 incidents, the Correction Ombuds shall endeavor to rely on
237 communications from incarcerated persons who have reasonably
238 pursued a resolution of the complaint through any existing internal
239 grievance procedures of the Department of Correction. In all events, the
240 Correction Ombuds shall make good faith efforts to provide an
241 opportunity to the Commissioner of Correction to investigate and to
242 respond to such concerns prior to making such matters public.

243 (f) All oral and written communications, and records relating to such
244 communications between a person in the custody of the Commissioner
245 of Correction and the Correction Ombuds or a member of the Office of
246 the Correction Ombuds staff, including, but not limited to, the identity
247 of a complainant, the details of the communications and the Correction
248 Ombuds' findings shall be confidential and shall not be disclosed
249 without the consent of such person, except that the Correction Ombuds
250 may disclose without the consent of such person general findings or
251 policy recommendations based on such communications, provided no
252 individually identifiable information is disclosed. The Correction
253 Ombuds shall disclose sufficient information to the Commissioner of
254 Correction or the commissioner's designee as is necessary to respond to
255 the Correction Ombuds' inquiries or to carry out recommendations, but
256 such information may not be further disclosed outside of the
257 Department of Correction.

258 (g) Notwithstanding the provisions of subsection (f) of this section,
259 whenever in the course of carrying out the Correction Ombuds' duties,
260 the Correction Ombuds or a member of the Office of the Correction
261 Ombuds staff becomes aware of the commission or planned commission
262 of a criminal act or threat that the Correction Ombuds reasonably

263 believes is likely to result in death or substantial bodily harm, the
264 Correction Ombuds shall notify the Commissioner of Correction or an
265 administrator of any correctional facility housing the perpetrator or
266 potential perpetrator of such act or threat and the nature and target of
267 the act or threat.

268 (h) Notwithstanding any provision of the general statutes concerning
269 the confidentiality of records and information, the Correction Ombuds
270 shall have access to, including the right to inspect and copy, any records
271 necessary to carry out the responsibilities of the Correction Ombuds, as
272 provided in this section. The provisions of this subsection shall not be
273 construed to compel access to any record protected by the attorney-
274 client privilege or attorney-work product doctrine or any record related
275 to a pending internal investigation, external criminal investigation or
276 emergency procedures. For purposes of this subsection, "emergency
277 procedures" are procedures the Department of Correction uses to
278 manage control of tools, keys and armories and concerning department
279 emergency plans, emergency response units, facility security levels and
280 standards and radio communications.

281 (i) In the performance of the responsibilities provided for in this
282 section, the Correction Ombuds may communicate privately with any
283 person in the custody of the commissioner. Such communications shall
284 be confidential except as provided in subsections (e) and (f) of this
285 section.

286 (j) The Correction Ombuds may apply for and accept grants, gifts and
287 bequests of funds from other states, federal and interstate agencies, for
288 the purpose of carrying out the Correction Ombuds' responsibilities.
289 There is established within the General Fund a Correction Ombuds
290 account which shall be a separate nonlapsing account. Any funds
291 received under this subsection shall, upon deposit in the General Fund,
292 be credited to said account and may be used by the Correction Ombuds
293 in the performance of the Correction Ombuds' duties.

294 (k) The name, address and other personally identifiable information
295 of a person who makes a complaint to the Correction Ombuds,

296 information obtained or generated by the Office of the Correction
297 Ombuds in the course of an investigation and all confidential records
298 obtained by the Correction Ombuds or the office shall be confidential
299 and shall not be subject to disclosure under the Freedom of Information
300 Act, as defined in section 1-200 of the general statutes, or otherwise
301 except as provided in subsections (f) and (g) of this section.

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

306 (m) Not later than December 1, 2023, and annually thereafter, the
307 Correction Ombuds shall submit a report, in accordance with section 11-
308 4a of the general statutes, to the joint standing committee of the General
309 Assembly having cognizance of matters relating to the Department of
310 Correction regarding the conditions of confinement in the state's
311 correctional facilities and halfway houses. Such report shall detail the
312 Correction Ombuds' findings and recommendations.

313 Sec. 3. Section 18-96b of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective July 1, 2022*):

315 (a) As used in this section:

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

321 (2) "Commissioner" means the Commissioner of Correction;

322 (3) "De-escalation" means attempting to defuse a crisis without the
323 use of force;

324 (4) "Department" means the Department of Correction;

325 (5) "Grievance" means a formal complaint filed by any incarcerated
326 person with the internal grievance system or the department;

327 (6) "Incarcerated person" means a person confined and in the custody
328 and care of the commissioner, including persons in pretrial,
329 presentencing or post-conviction confinement;

330 (7) "Isolated confinement" means any form of confinement of an
331 incarcerated person within a cell, except during a facility-wide
332 emergency, lockdown or for the purpose of providing medical or mental
333 health treatment, with less than the following time out of cell:

334 (A) For all incarcerated persons, four hours per day, on and after July
335 1, 2022;

336 (B) For all incarcerated persons in the general population, four and a
337 half hours per day, on and after October 1, 2022; and

338 (C) For all incarcerated persons in general population, five hours per
339 day, on and after April 1, 2023;

340 (8) "Lockdown" means the enforced detainment of all incarcerated
341 persons within such persons' cells imposed upon an entire correctional
342 facility or part of such facility, other than for the purpose of
343 administrative meetings;

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

348 [(2)] (10) "Restrictive housing status" means [the designation] any
349 classification of an [inmate] incarcerated person by the Department of
350 Correction that [provides for] requires closely regulated management
351 and separation of such [inmate from other inmates.] incarcerated person
352 from other incarcerated persons, including, but not limited to,
353 administrative segregation status, punitive segregation status, transfer
354 detention status, administrative detention status, security risk group

355 status, chronic discipline status, special needs status and protective
356 custody status;

357 (11) "Therapist" means any (A) physician licensed pursuant to
358 chapter 370 who specializes in psychiatry; (B) psychologist licensed
359 pursuant to chapter 383; (C) an advanced practice registered nurse
360 licensed pursuant to chapter 387; (D) clinical social worker or master
361 social worker licensed pursuant to chapter 383b; or (E) professional
362 counselor licensed pursuant to chapter 383c; and

363 (12) "Use of force" means the use of physical force or deadly physical
364 force, as defined in section 53a-3, by a department employee to compel
365 compliance by an incarcerated person. Use of force includes, but is not
366 limited to, the use of restraints, chemical agents, canines or munitions
367 or forcible extraction from a cell, other than in response to a psychiatric
368 emergency.

369 [(b) The Department of Correction shall publish on its Internet web
370 site the formula for calculating an inmate's mental health score and a
371 description of any form and phase of housing employed at any of its
372 correctional facilities for inmates on restrictive housing status.]

373 (b) The department shall not hold any person under eighteen years
374 of age in isolated confinement.

375 (c) Any use of isolated confinement shall maintain the least restrictive
376 environment necessary for the safety of incarcerated persons and staff,
377 and the security of the facility.

378 (d) If holding an incarcerated person in isolated confinement, the
379 department shall:

380 (1) Not later than twenty-four hours after initiating the process of
381 holding such person in isolated confinement, ensure that a medical
382 professional conducts a physical examination and a therapist conducts
383 a mental health evaluation of such person;

384 (2) Ensure regular monitoring to ensure such person's safety and

385 well-being, including a daily check-in from a therapist;

386 (3) Continue de-escalation efforts when applicable and appropriate
387 to the situation; and

388 (4) Provide to such person access to the following:

389 (A) Reading materials, paper, and a writing implement;

390 (B) Not less than three showers per week; and

391 (C) Not less than two hours out of cell per day, including at least one
392 hour for recreational purposes.

393 (e) Placement of an incarcerated person in isolated confinement shall
394 be subject to the following:

395 (1) The department may place a person in isolated confinement only
396 after consideration of less restrictive measures;

397 (2) No person may be placed in isolated confinement for longer than
398 necessary and no more than fifteen consecutive days or thirty total days
399 within any sixty-day period, after which period, such person shall be
400 released from isolated confinement; and

401 (3) No person may be placed in isolated confinement based on the
402 same incident that was previously used as the basis for such placement.

403 (f) No person may be held in isolated confinement for protective
404 custody, except that isolated confinement may be used while the
405 department is determining whether protective custody status is
406 appropriate. The department shall limit the time period for such
407 determination to not more than five business days.

408 (g) The department shall not impose a lockdown upon an entire
409 correctional facility or part of a correctional facility for purposes of
410 training department staff for more than twenty-four cumulative hours
411 during any thirty-day period.

412 (h) Not later than January 1, 2024, the department shall report, in
413 accordance with the provisions of section 11-4a, to the joint standing
414 committee of the General Assembly having cognizance of matters
415 relating to the Department of Correction and the Criminal Justice Policy
416 and Planning Division established under section 4-68m concerning
417 measures taken by the department to address the following:

418 (1) The frequency, cause and duration of lockdowns;

419 (2) The presence of persons with serious mental illness or
420 developmental and intellectual disabilities in isolated confinement or on
421 restrictive housing status;

422 (3) Efforts to increase the time an incarcerated person spends outside
423 of such person's cell;

424 (4) The provision of therapeutic and other pro-social programming
425 for persons on restrictive housing status;

426 (5) The use of in-cell restraints; and

427 (6) Fostering cooperation and engagement with the Correction
428 Ombuds pursuant to section 2 of this act and the Correction Advisory
429 Committee established pursuant to section 18-81jj, as amended by this
430 act.

431 [(c)] (i) The [Department of Correction] department shall [at least]
432 annually on or before January first submit to the Criminal Justice Policy
433 and Planning Division established under section 4-68m a report
434 containing, [as aggregated] in a disaggregated and anonymized format,
435 the following data, which shall be broken down by facility and the age,
436 race and sex of incarcerated persons included in the data:

437 (1) The number of [inmates on restrictive housing status] incarcerated
438 persons in isolated confinement in this state's correctional facilities, as
439 of the first day of each of the twelve months preceding the date of the
440 submission of the report [. The department shall report and
441 disaggregate such data based on an inmate's age, gender identity,

442 ethnicity, mental health score as calculated by the department, if any,
443 and the form and phase of housing in which such inmate is held on
444 restrictive housing status] and the total number of persons subjected to
445 isolated confinement during the twelve months preceding the date of
446 submission of the report;

447 (2) The number of [inmates on administrative segregation status who
448 have spent the following cumulative durations of time on
449 administrative segregation status] incarcerated persons who were in
450 isolated confinement for more than fifteen cumulative days in the
451 previous calendar year as categorized by the following periods of time:

452 [(A) One to fifteen days;]

453 [(B)] (A) Sixteen to thirty days;

454 [(C)] (B) Thirty-one to [one hundred eighty] sixty days;

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

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

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

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

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

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

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

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

468 (L) Two thousand nine hundred twenty-one to three thousand two

469 hundred eighty-five days;

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

472 (C) Sixty-one to ninety days; and

473 [(N)] (D) More than [three thousand six hundred fifty] ninety days;

474 (3) [For each correctional facility, the] The number of [inmates who,
475 during the twelve months preceding the date of the submission of the
476 report, spent more than fifteen days, cumulative, on administrative
477 segregation status. The department shall report and disaggregate such
478 data based on an inmate's age, gender identity, ethnicity, mental health
479 score as calculated by the department, if any, and the form and phase of
480 restricted housing in which such inmate is held; and] incidents broken
481 down by month during the previous calendar year in the department's
482 facilities categorized as:

483 (A) Suicides by incarcerated persons;

484 (B) Attempted suicides by incarcerated persons;

485 (C) Self-harm by incarcerated persons;

486 (D) Assaults by incarcerated persons on staff members; and

487 (E) Assaults and fights between incarcerated persons;

488 (4) [Actions taken by the department during the twelve months
489 preceding the date of the submission of the report to minimize reliance
490 on administrative segregation status and to mitigate the harmful effects
491 of administrative segregation status on inmates, staff and the public.]
492 Monthly reports showing the total number of incarcerated persons
493 against whom the department has used force, including use of the
494 following:

495 (A) Chemical agent devices;

496 (B) Full stationary restraints;

497 (C) Deadly physical force;

498 (D) In-cell restraints;

499 (E) Less than lethal munitions;

500 (F) Lethal munitions;

501 (G) Medical restraints;

502 (H) Physical force;

503 (I) Therapeutic restraints;

504 (J) Cell extraction; and

505 (K) Canines;

506 (5) Grievances filed by incarcerated persons, broken down by month,
507 including the number of grievances filed, dismissed, affirmed or
508 otherwise resolved;

509 (6) Programs offered to incarcerated persons, including the program
510 title and a brief description of the program, the number of spots
511 available in each program and the number of persons enrolled in each
512 program as of the first of each month;

513 (7) Internal department work assignments held by incarcerated
514 persons, including the work assignment title, the daily wage paid and
515 the number of such persons in each position as of the first of each month;
516 and

517 (8) External jobs held by incarcerated persons working for outside
518 employers, including the job title, hourly wage paid, the number of such
519 persons in each position as of the first of each month and the name of
520 each employer.

521 [(d) The department shall not hold any person under eighteen years

522 of age on administrative segregation status.

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

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

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

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

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

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

539 (4) Consequences of untreated mental illness;

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

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

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

549 (1) Employee assistance programs;

550 (2) Peer support programs; and

551 (3) Stress management training.]

552 (k) The department shall publish on its Internet web site the formula
553 for calculating an incarcerated person's mental health score and any
554 report pursuant to subsection (i) of this section.

555 Sec. 4. Section 1-300 of the general statutes is repealed and the
556 following is substituted in lieu thereof (*Effective July 1, 2022*):

557 (a) There is established the Office of Governmental Accountability.
558 The executive administrator of the office shall serve as the
559 administrative head of the office, who shall be appointed in accordance
560 with the provisions of section 1-301, as amended by this act.

561 (b) The Office of Governmental Accountability shall provide
562 personnel, payroll, affirmative action and administrative and business
563 office functions and information technology associated with such
564 functions for the following: The Judicial Review Council established
565 under section 51-51k, Judicial Selection Commission established under
566 section 51-44a, Board of Firearms Permit Examiners established under
567 section 29-32b, Office of the Child Advocate established under section
568 46a-13k, Office of the Victim Advocate established under section 46a-
569 13b, [and] State Contracting Standards Board established under section
570 4e-2 and Office of the Correction Ombuds, established under section 2
571 of this act. The personnel, payroll, affirmative action and administrative
572 and business office functions of said offices, commission, council and
573 boards shall be merged and consolidated within the Office of
574 Governmental Accountability.

575 (c) The executive administrator may employ necessary staff to carry
576 out the administrative functions of the Office of Governmental
577 Accountability, within available appropriations. Such necessary staff of
578 the Office of Governmental Accountability shall be in classified service.

579 (d) Nothing in this section shall be construed to affect or limit the
580 independent decision-making authority of the Judicial Review Council,

581 Judicial Selection Commission, Board of Firearms Permit Examiners,
582 Office of the Child Advocate, Office of the Victim Advocate, [or the]
583 State Contracting Standards Board or Office of the Correction Ombuds.
584 Such decision-making authority includes, but is not limited to, decisions
585 concerning budgetary issues and concerning the employment of
586 necessary staff to carry out the statutory duties of each such office,
587 commission, council or board.

588 Sec. 5. Subsection (a) of section 1-301 of the general statutes is
589 repealed and the following is substituted in lieu thereof (*Effective from*
590 *passage*):

591 (a) (1) There shall be a Governmental Accountability Commission,
592 within the Office of Governmental Accountability established under
593 section 1-300, as amended by this act, that shall consist of [six] seven
594 members as follows: (A) The executive director of the Judicial Review
595 Council established under section 51-51k, or the executive director's
596 designee; (B) the chairperson of the Judicial Selection Commission
597 established under section 51-44a, or the chairperson's designee; (C) the
598 chairperson of the Board of Firearms Permit Examiners established
599 under section 29-32b, or the chairperson's designee; (D) the Child
600 Advocate appointed under section 46a-13k, or the advocate's designee;
601 (E) the Victim Advocate appointed under section 46a-13b, or the
602 advocate's designee; [and] (F) the chairperson of the State Contracting
603 Standards Board established under section 4e-2, or the chairperson's
604 designee; and (G) the Correction Ombuds appointed under section 18-
605 81jj, as amended by this act, or the Correction Ombuds' designee,
606 provided no person serving as a designee under this subsection may be
607 a state employee. The Governmental Accountability Commission shall
608 select a chairperson who shall preside at meetings of the commission.
609 Said commission shall meet for the purpose of making
610 recommendations to the Governor for candidates for the executive
611 administrator of the Office of Governmental Accountability pursuant to
612 the provisions of subsection (b) of this section, or for the purpose of
613 terminating the employment of the executive administrator.

614 (2) The commission established under subdivision (1) of this
615 subsection shall not be construed to be a board or commission within
616 the meaning of section 4-9a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	18-81jj
Sec. 2	<i>July 1, 2022</i>	New section
Sec. 3	<i>July 1, 2022</i>	18-96b
Sec. 4	<i>July 1, 2022</i>	1-300
Sec. 5	<i>from passage</i>	1-301(a)

Statement of Legislative Commissioners:

In Section 2(a)(1), language was added clarifying who was the head of the office and in Section 5(a)(1), "six" was changed to "[six] seven" for accuracy.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Governmental Accountability, Off.	GF - Cost	485,622	485,622
State Comptroller - Fringe Benefits ¹	GF - Cost	191,959	191,959

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the correction ombuds program to include all inmates in Department of Correction (DOC) custody and relocates the program to the Office of Governmental Accountability (OGA) resulting in a cost to the OGA. To meet the requirements of the bill the OGA will have to hire one ombudsman and six supporting staff resulting in a cost of \$677,581 in FY 23 and FY 24 (costs include salary, other expenses, and fringe benefits).

The current ombuds program is only for juvenile inmates (less than 55 inmates are under 18) and the bill expands this to the entire DOC population, which is 9,857 inmates as of 4/11/22.

The bill also establishes the Correction Advisory Committee and makes various procedural changes within correction facilities resulting

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

in no fiscal impact to the state.

The Out Years

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

OLR Bill Analysis**sSB 459*****AN ACT CONCERNING THE CORRECTION ADVISORY COMMITTEE, THE USE OF ISOLATED CONFINEMENT AND TRANSPARENCY FOR CONDITIONS OF INCARCERATION.*****SUMMARY**

This bill limits the amount of time and circumstances under which an incarcerated person may be held in isolated confinement and places new requirements on its use. It also does the following:

1. establishes a nine-member Correction Advisory Committee to, among other things, submit a list of correction ombuds candidates to the governor and meet quarterly with the ombuds;
2. expands the current correction ombuds program to serve everyone in Department of Correction (DOC) custody rather than only those under age 18, requires it to provide additional services (e.g., evaluations of DOC services to incarcerated individuals), and grants it additional powers (e.g., to privately communicate with anyone in DOC custody and to access additional materials);
3. relocates the correction ombuds program from DOC to the Office of Governmental Accountability (OGA) and adds the ombuds or his or her designee to the Governmental Accountability Commission (GAC); and
4. requires DOC's report to the Criminal Justice Policy and Planning Division about inmates on restrictive housing and administrative segregation status, which contains aggregated and anonymized data, to instead require similar, disaggregated data on those in isolated confinement.

The bill also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022, except the provisions on the Correction Advisory Committee, correction ombuds appointment, and GAC membership are effective upon passage.

ISOLATED CONFINEMENT

The bill limits and places new requirements on DOC's use of isolated confinement on incarcerated individuals, including those in pretrial, presentencing, or post-conviction confinement. Under the bill, "isolated confinement" means any form of confinement in a cell (except during a facility-wide emergency or lockdown or the provision of medical or mental health treatment) with less than the following time out of a cell for all incarcerated individuals:

1. four hours per day, beginning July 1, 2022;
2. in the general population, four-and-a half-hours per day, beginning October 1, 2022; and
3. in the general population, five hours per day, on and after April 1, 2023.

The bill requires that any use of isolated confinement must maintain the least restrictive environment needed for the safety of incarcerated individuals, staff, and facility security. If DOC holds an incarcerated person in isolated confinement, it must do the following:

1. ensure, within 24 hours of initiating the process, that (a) a medical professional (i.e., licensed physician, physician assistant, advanced practice nurse (APRN), registered nurse, or practical nurse) conducts a physical examination and (b) a therapist (i.e., licensed physician who specializes in psychiatry, psychologist, APRN, clinical social worker or master social worker, or licensed professional counselor) conducts a mental health evaluation on the person;

2. ensure the person's safety and well-being is regularly monitored, including through a daily check-in from a therapist;
3. provide the person access to (a) reading materials, paper, and a writing implement; (b) at least three showers per week; and (c) at least two hours out of the cell per day, including at least one hour for recreational purposes; and
4. continue de-escalation efforts when applicable and appropriate to the situation.

Under the bill, "de-escalation" means attempting to defuse a crisis without the use of force (i.e., a DOC employee's use of physical force or deadly physical force to compel an incarcerated person's compliance, including by restraints, chemical agents, canines, munitions, or forcible extraction from a cell, other than when responding to a psychiatric emergency).

Additionally, the bill prohibits DOC from placing an individual in isolated confinement until after it has considered less restrictive measures and under the following circumstances:

1. for longer than is necessary, or for more than 15 consecutive days or 30 total days within any 60-day period;
2. more than once based on the same incident that was previously used for the placement; and
3. for protective custody (however, it may use isolated confinement for up to five business days while determining whether protective custody status is appropriate).

Minors

The bill prohibits DOC from holding anyone under age 18 in isolated confinement. Current law prohibits the department from placing minors in administrative segregation (i.e., placing an inmate on restrictive housing status after determining the inmate can no longer be safely managed within the general inmate population of the correctional

facility).

Lockdown Restriction and Reporting

The bill prohibits DOC from imposing a lockdown (i.e., detaining all individuals within their cells) on an entire correctional facility, or on a portion of it, to train staff for more than 24 cumulative hours in any 30-day period.

By January 1, 2024, the bill requires DOC to report to the Judiciary Committee on measures the department has taken to address the following issues:

1. the frequency, cause, and duration of lockdowns;
2. the presence of individuals with serious mental illness or developmental and intellectual disabilities in isolated confinement or on restrictive housing status;
3. efforts to increase the time an incarcerated person spends outside of his or her cell;
4. the provision of therapeutic and other pro-social programing for individuals on restrictive housing status;
5. the use of in-cell restraints; and
6. fostering cooperation and engagement with the correction ombuds and the Correction Advisory Committee.

CORRECTION ADVISORY COMMITTEE

The bill establishes a nine-member Correction Advisory Committee to perform the following functions:

1. submit a list of correction ombuds candidates to the governor for his consideration and appointment;
2. review the correction ombuds' actions;
3. meet at least quarterly to bring matters to the correction ombuds'

attention and consult on his or her services, findings, and recommendations; and

4. hold semiannual public hearings to discuss the correction ombuds' services, findings, and recommendations.

Membership

The following table provides the appointing authority, the number of appointments, criteria for the committee member.

Table 1: Correction Advisory Committee Members

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Experience or Qualifications</i>
Senate Judiciary Committee chairperson	One	Is "directly impacted," meaning (1) a person, or the family member of a person, who was previously incarcerated within a DOC facility but is no longer under probation or any DOC supervision or (2) the family member of a person who is in DOC custody
House Judiciary Committee chairperson	One	Has expertise in the law, specifically in the rights of incarcerated individuals
Senate president pro tempore and House speaker	One each	Has demonstrated interest in advancing the rights and welfare of incarcerated individuals
Senate minority leader	One	Has expertise in providing mental health care to currently or formerly incarcerated individuals
House minority leader	One	Has expertise in providing medical care to currently or formerly incarcerated individuals
Governor	Three	One with experience in corrections and two who are directly impacted

Appointment Procedures

The bill establishes procedures that appointing authorities must follow to fill initial and vacancy appointments. Within 30 days after the bill passes, or after any vacancy, each appointing authority must submit a letter designating its appointment or appointments to the Judiciary

Committee, which must post the letters on its website. The Judiciary Committee chairpersons must schedule a public hearing for the proposed appointments, which must be conducted either within 40 days after the bill passes or 10 days after a vacancy letter is submitted.

After the hearing, the bill requires each appointing authority to confirm or withdraw its appointment or appointments. An appointing authority who withdraws an appointment must, within 10 days of the withdrawal, submit a new letter to the Judiciary Committee designating a different appointment or appointments, which are subject to the process above.

Committee Deadlines and Terms

Under the bill, the Correction Advisory Committee chairpersons are the members appointed by the Judiciary Committee chairpersons. The advisory committee chairpersons must schedule and hold the first committee meeting within 60 days after the bill passes.

The bill specifies that committee members serve four-year terms, except that their initial term runs for four years from February 1, 2023. Each member may serve up to two terms. In the event of a vacancy, a vacancy appointment serves the remainder of the original member's term and may be reappointed for up to two more terms.

Within 10 days of each member's first meeting, the member must take an oath of office, administered by a committee chairperson, to diligently and honestly administer the committee's affairs.

Members must serve without compensation but may be reimbursed, within available appropriations, for necessary expenses that they incur while serving on the committee.

Under the bill, a majority of the appointed members constitutes a quorum, which is needed to conduct committee business. A majority vote of the members present is required for committee action.

Immunity

The bill requires the state to protect and hold harmless any committee member from financial loss and expense. These include legal fees and costs arising from any claim, demand, or suit for damages due to negligent acts or omissions committed in discharging official duties. They do not include wanton, malicious, or grossly negligent acts or omissions as determined by a court with proper jurisdiction.

CORRECTION OMBUDS

Correction Ombuds Applications

Within 80 days after the bill passes, or within 60 days after any correction ombuds vacancy, the committee must solicit applications for the correction ombuds position and meet to consider and interview the most qualified candidates who are Connecticut residents. The committee must select between three and five of the most outstanding candidates, publish the candidate's names on its website, and hold a public hearing that allows public testimony on these candidates. The committee must submit to the governor a list of the selected candidates ranked by committee preference.

Appointment

Within 30 days after receiving the list the advisory committee submits, the bill requires the governor, with General Assembly approval, to appoint a person qualified by training and experience as the correction ombuds. If at any time the candidate withdraws from consideration before being confirmed by the General Assembly, the designation must be made from the list of remaining candidates submitted to the governor. If the governor fails to designate a candidate from the list within 30 days after receiving it, the candidate ranked first will receive the designation and be referred to the General Assembly for confirmation.

Under the bill, if the General Assembly is not in session, the designated candidate may serve as the acting correction ombuds and be entitled to the compensation, privileges, and powers of the ombuds until the General Assembly meets to act on the appointment.

The bill specifies that the appointed ombuds' initial term is two years, and he or she may serve until a successor is appointed and confirmed. The person may be reappointed as ombuds for succeeding terms.

Vacancy

Upon any vacancy of the correction ombuds position, the associate correction ombuds, who is designated by the Correction Advisory Committee, serves as acting correction ombuds. As acting correction ombuds, he or she is entitled to the compensation, privileges, and powers of the ombuds until the legislature meets to act on the appointment. The associate correction ombuds serves as acting correction ombuds until a candidate is confirmed by the General Assembly or, if it is not in session, until the governor designates someone.

Office of the Correction Ombuds

The bill expands the current correction ombuds program to include (1) everyone in DOC custody, rather than just those under age 18, and (2) additional services. Under the bill, the Correction Ombuds Office is moved from DOC to OGA for administrative purposes, and the correction ombuds is the head of the office. Regardless of any state law, the bill requires the correction ombuds to act independently of any department in performing office duties.

Ombuds Services

The bill renames and replaces current law's "ombudsman services" with "ombuds services." Under the bill, ombuds services include:

1. evaluating DOC's delivery of services to incarcerated individuals;
2. periodically reviewing the procedures DOC established to carry out its statutory duties and evaluating whether the procedures conflict with incarcerated individuals' rights;
3. receiving communications from individuals in DOC custody about department decisions, actions, omissions, policies,

-
- procedures, rules, or regulations;
4. conducting site visits of DOC correctional facilities;
 5. reviewing correctional facilities' operation and nonemergency procedures, including use of force procedures;
 6. recommending procedure and policy revisions to DOC;
 7. taking all possible actions, including conducting public education programs, undertaking legislative advocacy, and making proposals for systemic reform and formal legal action to secure and ensure the rights of individuals in DOC custody, with the ombuds exhausting all means to reach a resolution before initiating litigation; and
 8. publishing on its website a semiannual summary of all ombuds services and activities during the six-month period before the publication.

Under current law, ombudsman services include the following:

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

Appropriations

The bill requires the General Assembly to annually appropriate the needed amount to pay the staff salaries, office expenses, and other actual expenses the ombuds office incurs in performing its duties. Any legal or court fees the state obtains in actions the ombuds brings must be

deposited in the General Fund.

Investigations and Corroborating Evidence

Under the bill, the correction ombuds must rely on a variety of sources during investigations to corroborate matters raised by incarcerated individuals or others. If a matter turns on validating a particular incident, the ombuds must endeavor to rely on communications from incarcerated individuals who have reasonably pursued a resolution of the complaint through any existing DOC internal grievance procedures.

The bill also requires the ombuds, in all events, to make a good faith effort to provide the DOC commissioner an opportunity to investigate and respond to concerns before making them public.

Confidentiality and Exceptions

Under current law, with exceptions, communications between someone under age 18 who is in DOC custody and the correction ombudsman are generally confidential. The bill extends similar protections and exceptions to everyone in DOC custody.

Under the bill, all oral and written communications, and records relating to these communications, between a person in DOC custody and the correction ombuds staff are generally confidential and not disclosable without the person's consent. This confidential information also includes the complainant's identity, the details of the communications, and the ombuds' findings. However, the bill allows the ombuds to disclose, without the person's consent, general findings or policy recommendations based on these communications so long as no individually identifiable information is disclosed. The bill requires the ombuds to disclose sufficient information to the DOC commissioner, or his designee, as necessary to respond to the ombuds' inquiries or to carry out recommendations, but the information may not be further disclosed outside of DOC.

Regardless of the confidentiality provision above, whenever in the course of carrying out the ombuds' duties, the ombuds or a staff

member becomes aware of the commission or planned commission of a criminal act or threat that he or she reasonably believes is likely to result in death or substantial bodily harm, then the bill requires the ombuds to notify the DOC commissioner or an administrator of any correctional facility housing the perpetrator or potential perpetrator about the act or threat, and its nature and target.

Regardless of any state laws on confidentiality of records and information, the bill grants the ombuds access to, and the right to inspect and copy, any records needed to carry out his or her responsibilities. This provision does not compel access to any record (1) protected by attorney-client privilege or attorney-work product doctrine, (2) related to pending internal or external investigations, or (3) related to emergency procedures (i.e., procedures DOC uses to manage control of tools, keys, and armories and concerning emergency plans, emergency response units, facility security levels and standards, and radio communications).

In performing the ombuds duties, the bill allows the ombuds to privately communicate with any person in DOC custody. The communications are confidential except as provided by the bill's provisions on corroborating matters and exceptions to confidential communications.

Under the bill, the following information is confidential and not subject to disclosure under the Freedom of Information Act, except as provided by the bill's provisions on corroborating matters and exceptions to confidential communications:

1. the name, address, and other personally identifying information of a person making a complaint to the ombuds;
2. information obtained or generated by the ombuds office during investigation; and
3. confidential records the ombuds or the office obtains.

Grants, Gifts, and Bequests

The bill establishes a correction ombuds account as a separate, non-lapsing account in the General Fund. The bill allows the ombuds to apply for and accept grants, gifts, and bequests of funds from other states and federal and interstate agencies to carry out his or her responsibilities under the bill. Any funds received under this provision must be credited into this account and may be used by the ombuds to perform his or her duties.

Retaliation Prohibited

The bill prohibits state or municipal agencies from discharging, or in any manner discriminating or retaliating against, any employee who in good faith makes a complaint to the correction ombuds or cooperates with the ombuds office in an investigation.

Legislative Report

The bill requires the correction ombuds to submit an annual report to the Judiciary Committee, beginning by December 1, 2023, on the confinement conditions in the state's correctional facilities and halfway houses. The report must detail the correction ombuds' findings and recommendations.

OGA

The bill moves the ombuds office from DOC to OGA. By law, OGA consists of independent divisions for which it provides consolidated personnel, payroll, affirmative action, and administrative and business office functions, including information technology associated with these functions. These divisions have independent decision-making authority, including the ability to make decisions on budgetary issues and employing necessary staff.

By law, the GAC is within OGA and is responsible for (1) recommending OGA executive administrator candidates to the governor and (2) terminating the executive administrator's employment, if necessary. The bill adds the correction ombuds or the ombuds' designee, who cannot be a state employee, to the commission.

ANNUAL REPORT ON CERTAIN DATA

Current Reporting Requirements

The bill modifies the requirements for the report that DOC must at least annually submit to the Criminal Justice Policy and Planning Division. Under current law, the report must contain certain aggregated and anonymized data on inmates' restrictive housing or administrative segregation status, including the following:

1. number of individuals on restrictive housing status on the first day of each of the prior 12 months;
2. disaggregated data based on an inmate's age, gender identity, ethnicity, mental health score (if one exists), and the form and phase of housing in which the individual is held on restrictive housing status;
3. number of individuals whose cumulative time on administrative segregation status falls within each of 14 specified ranges, which span from one day to more than 3,650 days; and
4. number of inmates in each correctional facility who spent more than 15 cumulative days on administrative segregation status, and disaggregated data for each.

The bill also removes a requirement that DOC publish on its website a description of any form and phase of housing used at any correctional facilities for inmates on restrictive housing status.

Reporting Requirements Under the Bill

Instead of the data on inmates on administrative or restricted housing status, the bill requires DOC to provide similar data about incarcerated individuals in isolated confinement. Under the bill, the data must be anonymous'; disaggregated and broken down by facility; and include the age, race, and sex of the incarcerated individuals included in the data. The bill also specifies that DOC must annually submit the report on or before January 1.

The bill requires the report to include the number of incarcerated individuals who were in isolated confinement for more than 15 cumulative days in the previous calendar year, broken down by different ranges of time (16 to 30 days, 31 to 60 days, 61 to 90 days, and more than 90 days).

The bill also requires the report to include the following:

1. the number of incidents broken down by month during the previous calendar year in DOC facilities categorized as (a) suicides, (b) attempted suicides, (c) self-harm, (d) assaults by incarcerated individuals on staff members, and (e) assaults and fights between incarcerated individuals;
2. monthly reports showing the total number of incarcerated individuals on whom DOC used force, including the use of (a) chemical agent devices, (b) full stationary restraints, (c) deadly physical force, (d) in-cell restraints, (e) less than lethal munitions, (f) lethal munitions, (g) medical restraints, (h) physical force, (i) therapeutic restraints, (j) cell extraction, and (k) canines;
3. grievances (i.e., formal complaints against DOC) that incarcerated individuals filed, broken down by month, including the number dismissed, affirmed, or otherwise resolved;
4. programs offered to incarcerated individuals, including the program title and a brief description of the program; the number of spots available in the program; and the number of individuals enrolled in the program on the first of each month;
5. internal DOC work assignments held by incarcerated individuals, including the work assignment title; the daily wage paid; and the number of individuals in each position at the beginning of each month; and
6. external jobs held by incarcerated individuals working for outside employers, including the job title; hourly wage paid; the number of individuals in each position as of the first of each

month; and the employer's name.

As under existing law, DOC must publish on its website the report and the formula it uses for calculating an incarcerated person's mental health score.

ELIMINATED TRAINING AND WELLNESS REQUIREMENTS

The bill eliminates the requirement that DOC, within available appropriations, (1) provide certain trainings to DOC employees who interact with inmates (e.g., to recognize mental illness symptoms and the consequences of untreated mental illness) and (2) take measures to promote the wellness of DOC employees who interact with inmates.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 31 Nay 8 (03/31/2022)