AN ACT CONCERNING THE COMMISSION FOR CORRECTIONAL OVERSIGHT, THE USE OF ISOLATED CONFINEMENT, SECLUSION, RESTRAINTS, STRIP SEARCHES, SOCIAL CONTACTS FOR INCARCERATED PERSONS, TRANSPARENCY FOR CONDITIONS OF INCARCERATION AND CORRECTIONAL OFFICER TRAINING.

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

Section 1. (NEW) (Effective July 1, 2022) (a) There is established, within the Office of Governmental Accountability established under section 1-300 of the general statutes, the Commission for Correctional Oversight.

(b) The Commission for Correctional Oversight shall perform the following functions:

(1) Review the procedures established by the Department of Correction to carry out the provisions of title 18 of the general statutes with a view toward the rights of incarcerated persons;

(2) Review said department's budget allocations, nonbudget income sources and expenditures;

(3) Evaluate the delivery of services to incarcerated persons by the
department, its contractors and other entities that provide services to
people detained in correctional facilities or halfway houses through
funding provided by the state;

(4) Conduct on-site, random and unimpeded tours of correctional
facilities and halfway houses;

(5) Create reports summarizing the findings of such on-site visits and
make such reports publicly available on an Internet web site operated
by the commission;

(6) Establish and maintain a system to receive concerns and
recommendations from persons in the custody of the Commissioner of
Correction, family members of incarcerated persons, staff, contractors
and volunteers for the Department of Correction, members of the bar
and interested members of the public regarding decisions, actions,
omissions, policies, procedures, rules or regulations of the department;

(7) Report areas of immediate concern, including serious individual
circumstances as well as urgent systemic matters, and recommend
procedure and policy revisions to the Commissioner of Correction;

(8) Advocate for necessary improvements or changes to department
policy, capital investment, infrastructure, staffing, security and
programs to the commissioner and to other departments in the
executive branch and the legislative branch;

(9) Investigate, report, recommend and monitor the completion of
necessary improvements in department policy, capital investment,
infrastructure, staffing, security and programs as they are identified and
become needed; and

(10) Publish an annual report of the commission's activities and
findings.

(c) (1) The commission shall consist of the following members:

(A) Three appointed by the speaker of the House of Representatives,
of whom has expertise in mental health, one of whom has expertise in addiction and one of whom has expertise in corrections;

(B) Three appointed by the president pro tempore of the Senate, one of whom was incarcerated in a correctional facility in this state, one of whom is a family member of an individual incarcerated or formerly incarcerated in a correctional facility in this state and one of whom demonstrates an interest in advancing the rights and welfare of incarcerated persons;

(C) One appointed by the majority leader of the House of Representatives who has expertise in special education;

(D) One appointed by the majority leader of the Senate who has expertise in vocational education;

(E) One appointed by the minority leader of the House of Representatives who has expertise in medical care;

(F) One appointed by the minority leader of the Senate who has expertise in corrections; and

(G) Three appointed by the Governor, one of whom was incarcerated in a correctional facility in this state, one of whom is a family member of an individual incarcerated or formerly incarcerated in a correctional facility in this state and one of whom demonstrates an interest in advancing the rights and welfare of incarcerated persons.

(2) All initial appointments to the commission shall be made not later than August 1, 2022. The terms of the appointed members shall be coterminous with the terms of the appointing authority for each member. Any vacancy shall be filled by the appointing authority. Any vacancy occurring other than by expiration of term shall be filled for the balance of the unexpired term. No member of the commission may serve more than three terms. The chairperson shall be selected by the Governor from among the membership of the commission.

(d) The chairperson shall schedule the first meeting of the
commission, which shall be held not later than October 1, 2022, and quarterly thereafter or more frequently, as deemed necessary by request of the Governor, decision of the chairperson or a vote by five or more members of the commission.

(e) The commission shall have an executive committee consisting of the chairperson, and a vice-chairperson and secretary elected by the members to serve a two-year term on the executive committee.

(f) The commission shall conduct meetings in open session with an opportunity for public comment.

(g) The commission shall hire by majority vote an executive director to carry out the commission's duties. The executive director shall report directly to the commission's executive committee and serve for a term of two years and until a successor is hired. The commission may rehire the executive director for succeeding terms. The commission may, by majority vote, remove the executive director for cause.

(h) The executive director shall hire, within available funds, staff as necessary to carry out the duties and powers of the commission. Such staff shall operate under the direction of the executive director and commission.

(i) Commission members, executive director and commission staff shall act independently of any state agency, as defined in section 4-67n of the general statutes, in the performance of the commission's duties.

(j) In the performance of the commission's functions under subsection (b) of this section, commission members or commission staff may communicate with any person in the custody of the Commissioner of Correction or any Department of Correction staff member. Such communications shall be confidential.

(k) Notwithstanding any provision of the general statutes concerning the confidentiality of records and information, the commission shall have access to, including the right to inspect and copy, any records
necessary to carry out the responsibilities of the commission as provided in subsection (b) of this section.

(l) The name, address and other personally identifiable information of a person who communicates with the commission and all confidential records obtained by the commission shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, other than (1) with the written permission of the person in question, or (2) as required by court order. A person may appeal any determination not to disclose information pursuant to this section in accordance with section 4-183 of the general statutes.

(m) The commission shall annually submit, in accordance with the provisions of section 11-4a of the general statutes, 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 commission. The commission shall make such reports, meeting minutes and announcements concerning commission activities publicly available on an Internet web site operated by the commission.

(n) The General Assembly shall annually appropriate such sums as necessary for the payment of the salaries of the staff, stipends for commission members and for the payment of office expenses and other actual expenses incurred by the commission. Each commission member shall receive an annual stipend of not less than six thousand dollars and reimbursement of travel expenses incurred in carrying out the duties of the commission.

(o) The commission 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 the duties of the commission.

(p) There is established within the General Fund a "Commission for Correctional Oversight account" which shall be a separate nonlapsing account. Any funds received under this section shall, upon deposit in
the General Fund, be credited to said account and may be used by the Commission members or staff in the performance of their duties.

(q) No state or municipal agency shall in any manner discriminate or retaliate against any person, including, but not limited to, an incarcerated person or their family members or Department of Correction staff, who in good faith communicate with the commission or cooperate with the commission.

(r) The state of Connecticut shall protect and hold harmless any commission member or any person employed by the commission 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 commission within the scope of his or her employment that may constitute negligence but which acts are not wanton, malicious or grossly negligent as determined by a court of competent jurisdiction.

(s) The commission shall conduct a study regarding the conditions in the state's correctional facilities and halfway houses. Not later than October 1, 2023, and annually thereafter, the commission shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to corrections regarding the conditions of confinement in the state's correctional facilities and halfway houses.

Sec. 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) "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
(2) "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.

(1) "Commissioner" means the Commissioner of Correction;

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

(3) "Department" means the Department of Correction;

(4) "Eligible offense" means any of the following:

(A) Causing or attempting to cause serious physical injury or death to another person or making an imminent threat of such serious physical injury or death if the person has a history of causing such physical injury or death and the commissioner, in consultation with mental health staff, reasonably determines that there is a strong likelihood that the person will carry out such threat;

(B) Compelling or attempting to compel another person, by force or threat of force, to engage in a sexual act;

(C) Extorting another, by force or threat of force, for property or money;

(D) Coercing another, by force or threat of force, to violate a rule;

(E) Leading, organizing, inciting or attempting to cause a riot, insurrection, or other similarly serious disturbance that results in the taking of a hostage, major property damage or physical harm to another person, unless such person did not intend to lead, organize, incite or attempt to cause a riot, insurrection or other similarly serious disturbance or abandoned or withdrew from any plan for such riot, insurrection or other similarly serious disturbance;

(F) Procuring deadly weapons or other dangerous contraband that
pose a serious threat to the security of the institution; or

(G) Escaping, attempting to escape or facilitating an escape from a facility or escaping, attempting to escape or facilitating an escape while under supervision outside of such facility, unless such person did not intend to escape, attempt to escape or facilitate an escape or abandoned or withdrew from any plan for such escape, attempt or facilitation of an escape.

(5) "Emergency restraints" means the immediate and temporary use of restraints;

(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) "Grievance" means a formal complaint filed by any incarcerated person through the department's own administrative grievance system;

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

(9) "In-cell restraints" means the placement of an incarcerated person in restraints within a locked cell, other than in response to a psychiatric emergency;

(10) "Individual with serious mental illness" means an incarcerated person who has been determined by a mental health clinician to meet at least one of the following criteria:

(A) The incarcerated person has a current diagnosis of, or is diagnosed at the initial or any subsequent assessment conducted during the incarcerated individual's segregated confinement with, one or more of the following types of Axis I diagnoses, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, and such diagnoses shall be made based upon all relevant clinical factors, including, but not limited to, symptoms related to such
diagnoses:

(i) Schizophrenia, including all subtypes of schizophrenia;

(ii) Delusional disorder;

(iii) Schizophreniform disorder;

(iv) Schizoaffective disorder;

(v) Brief psychotic disorder;

(vi) Substance-induced psychotic disorder, excluding intoxication and withdrawal;

(vii) Psychotic disorder not otherwise specified;

(viii) Major depressive disorders; or

(ix) Bipolar disorder I and II;

(B) The incarcerated person has a documented, past diagnosis made by a therapist, including outside of the department, of any of the conditions listed in subparagraph (A) of this subdivision;

(C) The incarcerated person is actively suicidal or has engaged in a recent, serious suicide attempt;

(D) The incarcerated person has been diagnosed with a mental condition that is frequently characterized by breaks with reality, or perceptions of reality, that lead the individual to experience significant functional impairment involving acts of self-harm or other behavior that have a seriously adverse effect on life or on mental or physical health;

(E) The incarcerated person has been diagnosed with an organic brain syndrome that results in a significant functional impairment involving acts of self-harm or other behavior that have a seriously adverse effect on life or on mental or physical health;

(F) The incarcerated person has been diagnosed with a severe
personality disorder that is manifested by frequent episodes of psychosis or depression, and results in a significant functional impairment involving acts of self-harm or other behavior that have a seriously adverse effect on life or on mental or physical health; or

(G) The incarcerated person has been determined by a therapist to have otherwise substantially deteriorated mentally or emotionally while confined in segregated confinement and is experiencing significant functional impairment indicating a diagnosis of serious mental illness and involving acts of self-harm or other behavior that have a serious adverse effect on life or on mental or physical health;

(11) "Isolated confinement" means any form of cell confinement for more than seventeen hours a day other than in a facility-wide emergency or for the purpose of providing medical or mental health treatment;

(12) "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;

(13) "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;

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

(15) "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;
(16) "Physician" means a physician licensed pursuant to chapter 370;

(17) "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;

(18) "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. "Physical restraint" 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;

(19) "Pro-social activities" means an incarcerated person's time out of his or her cell that encourages social development and rehabilitation, including for structured activities such as employment, education, training or therapeutic programming, or for unstructured opportunities for socialization with other incarcerated persons or social visits or telephone calls. "Pro-social activities" does not include activities for the purposes of basic care or administrative convenience, including meals, showers, medical visits or time spent in transit within the facility.

(20) "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;

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

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

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

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

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

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

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

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

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

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

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

(P) An instance of workplace violence or threat of workplace violence in any workplace or as part of any work detail requiring the immediate separation of incarcerated persons due to an imminent threat of violence;

(Q) A reported sexual abuse of an incarcerated person or a department employee or a person working under a contract or as a volunteer with the department committed on or by an incarcerated person or a staff member or a person working as a volunteer with the department, where there is immediate evidence or indication that sexual abuse has occurred;

(R) A suicide attempt by an incarcerated person requiring immediate life-saving measures; or

(S) Any other similar incident that is not a routine disruption of an administrative nature such as a meeting, training or staff shortage;

(22) "Residential rehabilitation unit" means a separate housing unit that is therapeutic and trauma-informed, and aims to address individual treatment and rehabilitation needs and underlying causes of problematic behaviors and is used for therapy, treatment and rehabilitative programming of an incarcerated person who has been determined to require more than fifteen days of segregated confinement pursuant to department proceedings;

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

(24) "Restrictive housing status" means any classification that requires closely regulated management and separation of an incarcerated person and includes, but is not limited to, the following correctional statuses: Administrative segregation, punitive segregation,
transfer detention, administrative detention, security risk group, chronic discipline, special needs and protective custody;

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

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

(27) "Therapeutic programming" means out-of-cell, congregate programming aimed at promoting personal development, addressing underlying causes of problematic behavior resulting in placement in a residential rehabilitation unit and helping prepare for discharge from the unit and to the community;

(28) "Strip search" means a visual search that includes a systematic visual inspection of an unclothed person's hair, body cavities, including the person's ears, nose, mouth, rectum and genitalia and under arms, soles of the feet and between the toes, and a search of the person's clothing and any personal effects;

(29) "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, or (D) clinical social worker or master social worker licensed pursuant to chapter 383b;

(30) "Therapy" means mental health treatment offered to an incarcerated person in an individual or group setting by a therapist;

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

(32) "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) Any use of isolated confinement or residential rehabilitation unit shall create the least restrictive environment necessary for the safety of an incarcerated person, department staff and for the security of the facility. No person who is pregnant, under eighteen years of age, or over sixty-five years of age may be subjected to isolated confinement. Any form of confinement of an incarcerated person to a cell that is implemented due to medical or mental health treatment shall be within a clinical area in the correctional facility or in as close proximity to a medical or mental health unit as possible.

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

(1) Not later than twenty-four hours after initiating the process of holding such person in isolated confinement, ensure that a physician personally conducts a physical examination and a therapist personally conducts a mental health evaluation of such person. In the event that the person is determined to be an individual with serious mental illness, the department shall transfer such person to an alternative placement as soon as possible and no later than twenty-four hours from the time of assessment. For purposes of this subsection, an alternative placement may include a hospital or psychiatric facility outside the department or a residential rehabilitation unit;

(2) Ensure continuous monitoring to ensure the person's safety and well-being, including a check of such person from a mental health provider at least twice daily;

(3) Continue de-escalation efforts; and

(4) Provide access to the following:

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

(B) A radio and headphones;
(C) Not fewer than three showers per week; and

(D) Not fewer than four hours out of cell per day of pro-social activities, including:

(i) At least one hour per day of outdoor recreation time; and

(ii) At least one hour per day, excluding weekends and holidays, of therapeutic programming.

(d) The department may place a person in isolated confinement or in a residential rehabilitation unit only if:

(1) After having attempted to defuse the instant situation by using de-escalation methods and less restrictive measures, and only if such methods and measures fail to defuse the instant situation;

(2) Pursuant to an evidentiary hearing, the department determines, as set forth in a written decision, that the person committed an eligible offense; and

(3) The commissioner or the commissioner's designee determines, in writing and based on specific, objective criteria, that the acts committed by the person were so heinous or destructive that placement of the person in general population housing creates a significant risk of imminent serious physical injury to staff or other incarcerated persons, and creates an unreasonable risk to the security of the facility.

(e) No person may be placed in isolated confinement or a residential rehabilitation unit based on the same act or incident that was previously used as the basis for such placement.

(f) No person may be held in isolated confinement for protective custody. Any unit used for protective custody shall, at a minimum, conform to requirements governing residential rehabilitation units.

(g) Any hearing to determine if a person may be placed in isolated confinement shall occur prior to placement in isolated confinement.
unless a security supervisor, with written approval of a facility superintendent or designee, reasonably believes the person fits the specified criteria for isolated confinement in subsection (d) of this section. If a hearing does not take place prior to placement, it shall occur as soon as reasonably practicable and at most within forty-eight hours of such placement unless the incarcerated person seeks a postponement of the hearing. Persons at such hearings shall be permitted to be represented by any attorney or law student, or by any paralegal or incarcerated person unless the department reasonably disapproves of such paralegal or incarcerated person based upon objective written criteria developed by the department.

(h) Placements in isolated confinement shall be subject to the following limits:

(1) No person may be placed in isolated confinement for longer than necessary and no more than fifteen consecutive days or twenty total days within any sixty-day period. Upon reaching any such limitation, the incarcerated person shall be released from isolated confinement or diverted to a separate residential rehabilitation unit. If placement of such person in isolated confinement would exceed the twenty-day limit and the department establishes that the person committed an eligible offense, the department may place the person in isolated confinement until admission to a residential rehabilitation unit can be effectuated. Such admission to a residential rehabilitation unit shall occur as expeditiously as possible and in no case take longer than forty-eight hours from the time such person is placed in isolated confinement.

(2) If an incarcerated person commits more than one eligible offense during any sixty-day period, up to an additional fifteen consecutive days in isolated confinement may occur for each such additional offense, provided the department meets the other requirements of subsection (d) of this section. If such subsequent offense takes place in a residential rehabilitation unit or general population, the person may be returned to isolated confinement for up to fifteen consecutive days. If such subsequent offense takes place in isolated confinement and causes
physical injury to another person, the person may receive up to an additional fifteen consecutive days in isolated confinement, provided however that the person shall spend at least fifteen days in a residential rehabilitation unit in between each placement of up to fifteen consecutive days in segregated confinement.

(i) An incarcerated person admitted to a residential rehabilitation unit shall be offered at least seven hours of daily out-of-cell time in congregate settings.

(j) An incarcerated person admitted to a residential rehabilitation unit shall have access to the following:

(1) Reading materials, paper and a writing implement;

(2) A radio and headphones;

(3) Not fewer than three showers per week;

(4) At least two meals out of cell and in a congregate setting;

(5) Visits and telephone calls equivalent to that permitted in the general population; and

(6) Not fewer than seven hours out of cell per day of pro-social activities including:

(A) At least two hours per day, excluding weekends and holidays, of therapeutic programming; and

(B) At least two hours per day of recreation, including at least one hour outdoors per day. Recreation in all residential rehabilitation units shall take place in a congregate setting, unless exceptional circumstances mean doing so would create a significant and unreasonable risk to the safety and security of other incarcerated persons, staff or the facility.

(k) An incarcerated person admitted to a residential rehabilitation unit with serious mental illness shall receive access to three hours per
week of therapy in addition to any other therapy that may be prescribed to such person.

(l) No limitation on services, treatment or basic needs such as clothing, food and bedding shall be imposed as a form of punishment upon an incarcerated person. If provision of any such services, treatment or basic needs to an incarcerated person would create a significant and unreasonable risk to the safety and security of incarcerated persons, staff or the facility, such services, treatment or basic needs may be withheld until it reasonably appears that the risk has ended. The department shall not impose restricted diets or any other change in diet as a form of punishment upon an incarcerated person. An incarcerated person in a residential rehabilitation unit shall have access to all of their personal property unless an individual determination is made by the department that having a specific item would pose a significant and unreasonable risk to the safety of incarcerated persons or staff or the security of the unit.

(m) If the department establishes that an incarcerated person committed an eligible offense while in isolated confinement or a residential rehabilitation unit and poses a significant and unreasonable risk to the safety and security of other incarcerated persons or staff, the department may restrict such person's participation in programming and out-of-cell activities as necessary for the safety of other incarcerated persons and staff. If such restrictions are imposed, the department shall provide at least four hours out-of-cell time daily, including at least one hour of therapeutic programming and two hours of recreation, and make reasonable efforts to reinstate access to programming as soon as possible. In no case may such restrictions extend beyond fifteen days unless the person commits a new eligible offense justifying restrictions on program access, or if the Commissioner of Correction and, when appropriate, the Commissioner of Mental Health and Addiction Services personally reasonably determine that the person poses an extraordinary and unacceptable risk of imminent harm to the safety or security of incarcerated persons or staff. Any extension of program restrictions beyond fifteen days shall be meaningfully reviewed and
approved at least every fifteen days by the commissioner. Each review
shall consider the impact of therapeutic programming provided during
the fifteen-day period on the person's risk of imminent harm and the
commissioner shall articulate in writing, with a copy provided to the
incarcerated person, the specific reason why the person currently poses
an extraordinary and unacceptable risk of imminent harm to the safety
or security of incarcerated persons or staff. In no case may restrictions
imposed by the commissioner extend beyond ninety days unless the
person commits a new eligible offense justifying restrictions on program
access.

(n) Restraints shall not be used when incarcerated persons are
participating in out-of-cell activities within a residential rehabilitation
unit unless an individual assessment is made that restraints are required
because of a significant and unreasonable risk to the safety and security
of other incarcerated persons or staff.

(o) The department shall develop admission, treatment, sanction,
review and transfer policies for residential rehabilitation units
according to the following requirements:

(1) Upon admission of an incarcerated person as a resident to a
residential rehabilitation unit, program and mental health staff shall
administer assessments and develop an individual rehabilitation plan
in consultation with the resident, based upon his or her medical, mental
health and programming needs. Such plan shall identify specific goals
and programs, treatment, and services to be offered, with projected time
frames for completion and discharge from the residential rehabilitation
unit.

(2) Any sanction imposed on an incarcerated person requiring
isolated confinement shall run while the incarcerated person is in a
residential rehabilitation unit and the incarcerated person shall be
discharged from the unit before or at the time such sanction expires. If
an incarcerated person successfully completes his or her rehabilitation
plan before the sanction expires, the person shall have a right to be
discharged from the unit upon such completion.

(3) If an incarcerated person has not been discharged from a residential rehabilitation unit within one year of initial admission to such a unit or is within sixty days of a fixed or tentatively approved date for release from a correctional facility, he or she shall have a right to be discharged from the unit unless he or she committed an eligible offense within the one-hundred-eighty-day period prior to discharge and he or she poses a significant and unreasonable risk to the safety or security of incarcerated persons or staff. In any such case the decision not to discharge such person shall be immediately and automatically subjected to an independent review by the commissioner and the Commissioner of Mental Health and Addiction Services, or their designees. A person may remain in a residential rehabilitation unit beyond the time limits provided in this subsection if both commissioners or their designees approve such extension. In extraordinary circumstances, a person who has not committed an eligible offense within the prior one hundred eighty days, may remain in a residential rehabilitation unit beyond the time limits provided in this section if the commissioner, in consultation with mental health professionals, personally determines that such person poses an extraordinary and unacceptable risk of imminent harm to the safety or security of incarcerated persons or staff.

(4) There shall be a meaningful periodic review of the status of each incarcerated person in a residential rehabilitation unit at least every sixty days to assess the person's progress and determine if the person should be discharged from the unit. Following such periodic review, if the person is not discharged from the unit, program and mental health staff shall specify in writing the reasons for the determination and the program, treatment, service or corrective action required before discharge. The incarcerated person shall be given access to the programs, treatment and services specified, and shall have a right to be discharged from the residential rehabilitation unit upon the successful fulfillment of such requirements.

(5) When an incarcerated person is discharged from a residential
rehabilitation unit, any remaining time to serve on any underlying
disciplinary sanction shall be dismissed. If an incarcerated person
substantially completes his or her rehabilitation plan, he or she shall
have any associated loss of good time restored upon discharge from the
unit.

(p) The department shall not subject an incarcerated person to the use
of life-threatening restraints, in-cell restraints or pharmacological
restraints, except as provided in subsection (r) of this section.

(q) (1) The department shall not subject an incarcerated person to the
use of physical restraints, except: (A) For the purpose of transporting the
incarcerated person between units or outside the correctional facility,
(B) emergency restraints, subject to the requirements of subdivision (2)
of this subsection, and (C) restraints for psychiatric purposes, subject to
the requirements of subsection (r) of this section. The department shall
not physically restrain an incarcerated person who is confined to his or
her cell.

(2) Use of emergency restraints are subject to the following:

(A) Emergency restraints may be used only for the purpose of
responding to the substantiated risk of imminent and serious physical
harm;

(B) Emergency restraints shall not be used for the purpose of
punishment or in a manner that is painful or degrading;

(C) Prior to subjecting any incarcerated person to the use of
emergency restraints, 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;
and

(D) Emergency restraints may be used for a maximum of sixty
minutes in the course of responding to any incidence of substantiated
risk of imminent and serious physical harm.

(r) (1) The department may subject an incarcerated person to the use of seclusion or restraints in response to a psychiatric emergency pursuant to subdivision (2) or (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 (i) no 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) no pharmacological restraints be administered if soft restraints have 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
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.

(s) (1) Any time the department restrains a person pursuant to
subsection (r) 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.
(t) A strip search of an incarcerated person may be conducted only under the following circumstances:

(1) Upon admission or return of a sentenced inmate, regardless of the offense, to a department facility;

(2) Upon admission or return to a department facility when an inmate is:

(A) Unsentenced, but charged, including as a youthful offender, with a felony offense, class A misdemeanor offense or violation of probation;

(B) If remanded from the United States Department of Homeland Security or any successor agency thereto;

(C) If remanded from the United States Marshals Service;

(D) For a temporary confinement of extradition in a third state; or

(E) Under a governor's warrant;

(3) Upon readmission to a facility from a halfway house, parole, special parole, transitional supervision or any other community release program;

(4) Upon interfacility or out-of-state transfer, provided that the inmate is sentenced;

(5) Upon initial placement in isolated confinement or a residential rehabilitation unit;

(6) When submitting a specimen for urinalysis;

(7) During a facility emergency; or

(8) Upon the establishment of a substantiated, credible belief that the incarcerated person is in possession of contraband.

(u) The department may perform a strip search upon an incarcerated person pursuant to subdivision (8) of subsection (t) of this section only
if the following requirements are met:

(1) There is credible information that the incarcerated person is in possession of contraband based upon:

(A) Direct observation by another person, including a staff member or incarcerated person;

(B) A substantiated, credible complaint from another person, including a staff member or incarcerated person;

(C) A substantiated suspicion based upon a pat search of the incarcerated person; or

(D) The incarcerated person refuses to submit to a pat search;

(2) A verbal warning is issued to the incarcerated person and such person is given an opportunity to surrender contraband;

(3) The person conducting the search requests and receives written approval from the shift commander and the unit supervisor. Pending resolution of the request, such person may impose emergency restraints upon the incarcerated person pursuant to subsection (p) of this section;

(4) Such search is carried out in a manner consistent with the dignity and the humanity of the incarcerated person and pursuant to the following requirements:

(A) No comments or gestures of a sexual or disparaging nature may be made by staff members; and

(B) All searches shall be performed in an area that provides privacy to the greatest extent possible; and

(5) The department shall document all searches performed pursuant to this subsection, including the basis for the search or emergency, whether the search involved individuals of different genders, the gender and race of the incarcerated person and the results of the search.
[(b) The Department of Correction shall publish on its Internet web site the formula for calculating an inmate's mental health score and a description of any form and phase of housing employed at any of its correctional facilities for inmates on restrictive housing status.]

[(c)(v) 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] in a disaggregated and anonymized format, 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 submission of the report [. The department shall report and disaggregate such data based on an inmate's age, gender identity, ethnicity, mental health score as calculated by the department, if any, and the form and phase of housing in which such inmate is held on restrictive housing status and the total number of persons subjected to isolated confinement during the twelve months preceding the date of submission of the report;]

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

(A) One to fifteen days;

(B) Sixteen to thirty days;

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

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

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

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

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

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

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

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

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

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

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

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

(3) For each correctional facility, the number of inmates who, during the twelve months preceding the date of the submission of the report, spent more than fifteen days, cumulative, on administrative segregation status. The department shall report and disaggregate such data based on an inmate's age, gender identity, ethnicity, mental health score as calculated by the department, if any, and the form and phase of restricted housing in which such inmate is held; 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
(3) A list of unique individuals in the custody of the department in the twelve months preceding the date of the submission of the report subjected to restraints. The list shall include the following information for each person: Age, gender identity, ethnicity, total number of hours spent in restraints in the previous calendar year, specific restrictive housing status, if any, and mental health score as calculated by the department, if any;

(4) The number of incidents, broken down by month and 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, including the use of strip searches, emergency restraints and therapeutic restraints;

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

(F) Assults 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 fifty-nine days; or

(D) Sixty or more days;
(6) Grievances filed by incarcerated persons, broken down by month, facility and type, including the number of grievances filed, dismissed, affirmed or otherwise resolved;

(7) Programs offered to incarcerated persons, broken down by facility, including the program title and brief description, the number of spots available and the number of people enrolled as of the first of each month;

(8) Jobs held by incarcerated persons, broken down by facility, including the job title, the hourly wage paid, the number of persons employed in each position as of the first of each month and the name of the employer; and

[(4)] (9) Actions taken by the department during the twelve months preceding the date of the submission of the report to (A) minimize reliance on [administrative segregation status and to] the use of isolation, strip searches and the use of force, (B) mitigate the harmful effects of [administrative segregation status] such actions on [inmates] incarcerated persons, staff and the public, and (C) expand programming, employment and other pro-social opportunities for incarcerated persons.

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

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

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

[(g)] (w) The Department of Correction shall publish on its Internet
web site the formula for calculating an inmate's mental health score, a
description of any form and phase of housing employed at any of its
correctional facilities for incarcerated persons held in isolated
confinement, any report pursuant to subsection (v) of this section and
data used in such report in a downloadable, sortable format.

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

(1) The recognition of symptoms of mental illness;

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

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

[(4) Consequences of untreated mental illness;]

[(5)] (3) The long and short-term psychological effects of being [on
administrative segregation status; and] in isolated confinement;

(4) The recognition of and techniques for mitigating trauma and
vicarious trauma; and

[(6) De-escalation] (5) Trauma-informed de-escalation and
communication techniques to divert [inmates from situations that may
lead to the inmate being placed on administrative segregation status]
the use of isolated confinement, strip searches or the use of force.

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

(1) Employee assistance programs;

(2) Development and use of strategies to prevent and treat trauma-
related effects on employees;
[(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, 2022):

(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 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. 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 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. Section 18-81jj of the general statutes is repealed. (Effective July 1, 2022)

This act shall take effect as follows and shall amend the following sections:

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<tr>
<td>1</td>
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**Statement of Purpose:**
To establish the Commission for Correctional Oversight, regulate the use of isolated confinement, seclusion, restraints and strip searches, permit greater social contacts for incarcerated persons and increase transparency concerning conditions of incarceration and training for correctional officers.

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