



Agency Legislative Proposal – 2024 Session

Document Name:

Document Name	DOC 1
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	David McCluskey
Division Requesting This Proposal	Commissioner’s Office
Drafter	Director of Legal Affairs Nicole Anker

Title of Proposal	An Act Concerning the Department of Correction
Statutory Reference, if any	C.G.S. 18-8100, 18-85 and C.G.S. 54-53
Brief Summary and Statement of Purpose	This proposal makes three revisions to statutes affecting the Department of Correction.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>Section 1 makes revisions to Section 18-8100 concerning communications in correctional facilities. One change reflects current practice and the other allows the commissioner to restrict phone usage for inmates on administrative segregation status, security risk group status or special needs status.</p>
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Agency Legislative Proposal – 2024 Session

Document Name:

Section 2 makes revisions to Section 18-85 concerning the compensation of inmates. The changes made last year to this section of the statute must be revised in order that inmates' compensation is not inadvertently reduced from their current levels.

Section 3 makes revisions to Section 54-53 concerning release by correctional officials. C.G.S 54-66 was recently changed so that people could post a cash bail of 7% instead of 10% for certain crimes. The problem with 7% is that it leads to amounts that are fractions of dollars, meaning DOC must accept coins (and transmit those coins to the court the next day), which is problematic. Rounding down the bail amount to the nearest whole dollar eliminates this problem.

BACKGROUND

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

N/A

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	N/A
How will we measure if the proposal successfully accomplishes its goals?	Inmate phone calls will not cause disruption or other problems, inmate pay will be correctly determined and bail process will proceed normally.
Have there been changes in federal/state laws or regulations that make this	Yes. All 3 proposals address recent state changes – 2 legislative, the other by the Judicial Branch - affecting inmate phone calls, inmate compensation and bail.



Agency Legislative Proposal – 2024 Session

Document Name:

legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Not really possible or useful to compare since most states do not have unified correctional systems and inmate phone calls, inmate compensation and bail systems are all unique for every jurisdiction.
Have certain constituencies called for this proposal?	No.

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[] Check here if this proposal does NOT have a fiscal impact



Agency Legislative Proposal – 2024 Session

Document Name:

State	Section 2 of the proposal makes bail process more efficient.
Municipal (Include any municipal mandate that can be found within legislation)	N/A
Federal	N/A
Additional notes	N/A

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

No.

INSERT FULLY DRAFTED BILL HERE



Agency Legislative Proposal – 2024 Session

Document Name:

REVISIONS TO C.G.S. 18-8100

(a) The Commissioner of Correction shall not use the provision of voice communication service or any other communication service to persons who are in the custody of the commissioner and confined in a correctional facility to supplant in-person contact visits any such person may be eligible to receive.

(b)

(1) On and after July 1, 2022, the commissioner shall provide voice communication service to persons who are in the custody of the commissioner and confined in a correctional facility. The commissioner may supplement such voice communication service with any other communication service, including, but not limited to, video communication and electronic mail services. Any such communication service shall be provided free of charge to such persons and any communication, whether initiated or received through any such service, shall be free of charge to the person initiating or receiving the communication.

(2) Each person in the custody of the commissioner and confined in a correctional facility shall be eligible to use the voice communication service described in subdivision (1) of this subsection for [at least ninety minutes] six calls lasting up to fifteen minutes each on each day of such person's confinement, provided the provisions of this subdivision shall not be interpreted to interfere with the standard operations of the facility in which such person is confined or to impact the ability of the commissioner to restrict the number or length of phone calls for any individual on administrative segregation status, security risk group status, or special needs status.

(c) On and after July 1, 2022, the state shall not receive revenue for the provision of any communication service to any person in the custody of the commissioner and confined in a correctional facility.

Revision to C.G.S. 18-85

(a) The Commissioner of Correction, after consultation with the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management, shall establish a schedule of compensation for services performed on behalf of the state by inmates of any institution or facility of the department. Such schedule shall (1) recognize degrees of merit, diligence and skill in order to encourage inmate incentive and industry, and (2) establish a pay [range] rate of not less than [five] one dollar[s] per [week]day [, but not greater than ten dollars per week]with higher rates based on skill level and other factors at the discretion of the Commissioner or designee.

(b) Compensation so earned shall be deposited, under the direction of the Commissioner of Correction, in an account in a savings bank or state bank and trust company in this state or an account administered by the State Treasurer. Any compensation so earned shall be paid to the inmate on the inmate's release from incarceration in the form of a debit card, except that the commissioner may, while the inmate is in custody, disburse any compensation earned by such inmate in accordance with the following priorities:

(1) Federal taxes due; (2) restitution or payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of the inmate's dependents, if any; (7) the inmate's necessary travel expense to and from work and other incidental expenses; (8) costs of such inmate's incarceration under section 18-85a and regulations adopted in accordance with said section; and (9) payment to the clerk of the court in which an inmate, confined in a correctional facility only for payment of a fine, was convicted, such portion of such compensation as is necessary to pay such fine. Any interest that accrues shall be credited to any institutional fund established for the welfare of



Agency Legislative Proposal – 2024 Session

Document Name:

inmates. Compensation under this section shall be in addition to any compensation received or credited under section 18-50.

REVISION TO C.G.S. 54-53

Each person detained in a community correctional center pursuant to the issuance of a bench warrant of arrest or for arraignment, sentencing or trial for an offense not punishable by death shall be entitled to bail and shall be released from such institution upon entering into a recognizance, with sufficient surety, or upon posting cash bail, rounded down to the nearest whole dollar, as provided in section 54-66, for the detained person's appearance before the court having cognizance of the offense, to be taken by any person designated by the Commissioner of Correction at the institution where the person is detained. The person so designated shall deliver the recognizance or cash bail to the clerk of the appropriate court before the opening of the court on the first court day thereafter. When cash bail in excess of ten thousand dollars is received for a detained person accused of a felony, where the underlying facts and circumstances of the felony involve the use, attempted use or threatened use of physical force against another person, the person so designated shall prepare a report that contains (1) the name, address and taxpayer identification number of the detained person, (2) the name, address and taxpayer identification number of each person offering the cash bail, other than a person licensed as a professional bondsman under chapter 533 or a surety bail bond agent under chapter 700f, (3) the amount of cash received, and (4) the date the cash was received. Not later than fifteen days after receipt of such cash bail, the person so designated shall file the report with the Department of Revenue Services and mail a copy of the report to the state's attorney for the judicial district in which the alleged offense was committed and to each person offering the cash bail.



Agency Legislative Proposal – 2024 Session

Document Name:

Document Name	DOC 2
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

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Legislative Liaison	David McCluskey
Division Requesting This Proposal	Commissioner’s Office
Drafter	Director of Legal Affairs Nicole Anker

Title of Proposal	An Act Concerning Revisions to Restrictive Housing Status and Isolated Confinement
Statutory Reference, if any	C.G.S. 18-96b
Brief Summary and Statement of Purpose	This proposal makes revisions to the state statute concerning Restrictive Housing Status and Isolated Confinement.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>The proposal makes revisions to Section 18-96b concerning restrictive housing status and isolated confinement for incarcerated persons. DOC is proposing to make these revisions to this statute which was passed in 2022 to reflect how it has impacted facility climate and inmate behavior.</p>



Agency Legislative Proposal – 2024 Session

Document Name:

BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:
N/A

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency’s mission?	N/A
How will we measure if the proposal successfully accomplishes its goals?	Inmate assaults should trend downward absent other dynamics.
Have there been changes in federal/state laws or regulations that make this legislation necessary?	Yes. This proposal addresses a recent state changes to state statutes affecting inmate restrictive housing.
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Not really possible or useful to compare since most states do not have unified correctional systems.
Have certain constituencies	Yes. Some might be in support and others in opposition to this proposal.



Agency Legislative Proposal – 2024 Session

Document Name:

called for this proposal?	
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INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[x] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	N/A
Federal	N/A



Agency Legislative Proposal – 2024 Session

Document Name:

Additional notes	N/A
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MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

No.

INSERT FULLY DRAFTED BILL HERE

New language underlined. Deletions to existing statute in [brackets].

Revisions to C.G.S. 18-96b

(a) As used in this section:

(1) “Administrative segregation status” means the Department of Correction’s practice of placing an incarcerated person on restrictive housing status following a determination that such incarcerated person can no longer be safely managed within the general population of the correctional facility;

(2) “Commissioner” means the Commissioner of Correction;

(3) “Dangerous instrument” means a weapon, or any other unauthorized object or substance, which may cause physical injury or death, under the circumstances in which it is possessed, used or attempted or threatened to be used, or is capable of being used.

[3] (4) “De-escalation” means attempting to defuse a crisis without the use of force;

[4] (5) “Department” means the Department of Correction;

[5] (6) “Grievance” means a formal complaint filed by any incarcerated person with the internal grievance system or the department;

[6] (7) “Incarcerated person” means a person confined and in the custody and care of the commissioner, including persons in pretrial, presentencing or post-conviction confinement;



Agency Legislative Proposal – 2024 Session

Document Name:

[7] (8) “Isolated confinement” means any form of confinement of an incarcerated person within a cell, except during a facility-wide emergency, lockdown or for the purpose of providing medical or mental health treatment, with less than the following time out of cell:

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

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

(C)] (A) For all incarcerated persons in the general population, five hours per day[, on and after April 1, 2023]; and

[(D)] (B) For all incarcerated persons on restrictive housing program status, three hours per day.

[8] (9) “Lockdown” means the enforced detainment of all incarcerated persons within such persons’ cells imposed upon an entire correctional facility or part of such facility, other than for the purpose of administrative meetings;

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

[10] (11) “Restrictive housing status” means any classification of an incarcerated person by the Department of Correction that requires closely regulated management and separation of such incarcerated person from other incarcerated persons, including, but not limited to, administrative segregation status, punitive segregation status, transfer detention status, administrative detention status, security risk group status, chronic discipline status, special needs status and protective custody status;

(12) “Restrictive housing program” means a program in which incarcerated persons are separated from the general population due to serious safety concerns and progress through stages associated with increasing privileges.

(13) “Serious assault” means an assault which results in an injury requiring a person to receive immediate medical treatment by a health care professional before the individual can continue normal activity.

[11] (14) “Therapist” means any (A) physician licensed pursuant to chapter 370 who specializes in psychiatry; (B) psychologist licensed pursuant to chapter 383; (C) an advanced practice registered nurse licensed pursuant to chapter 387; (D) clinical social worker or master social worker licensed pursuant to chapter 383b; or (E) professional counselor licensed pursuant to chapter 383c; and

[12] (15) “Use of force” means the use of physical force or deadly physical force, as defined in [section 53a-3](#), by a department employee to compel compliance by an incarcerated person. Use of force includes, but is not limited to, the use of restraints, chemical agents, canines or munitions or forcible extraction from a cell, other than in response to a psychiatric emergency.

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

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

(d) 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 medical professional conducts a physical examination and a therapist conducts a mental health evaluation of such person;

(2) Ensure regular monitoring to ensure such person’s safety and well-being, including a daily check-in from a therapist;

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

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

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

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

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

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



Agency Legislative Proposal – 2024 Session

Document Name:

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

(2) [No] Except as provided in subdivision (3) of this subsection, no person may be placed in isolated confinement for longer than necessary and no more than fifteen consecutive days or thirty total days within any sixty-day period, after which period, such person shall be released from isolated confinement.

(3) An incarcerated person may be placed in isolated confinement for a longer period of time if approved by a District Administrator, a Deputy Commissioner, or the Commissioner as a disciplinary response to an incident involving the commission of one or more of the following offenses:

(A) a serious assault on another person;

(B) using or being found with a dangerous instrument;

(C) committing or attempting to commit arson;

(D) holding or attempting to hold a hostage;

(E) escaping or attempting to escape; or

(F) rioting.

;and

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

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

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

(h) Not later than January 1, 2024, the department shall 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 Department of Correction and the Criminal Justice Policy and Planning Division established under [section 4-68m](#) concerning measures taken by the department to address the following:

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

(2) The presence of persons 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 such person's cell;

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

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

(6) Fostering cooperation and engagement with the Correction Ombuds pursuant to [section 18-81qq](#) and the Correction Advisory Committee established pursuant to [section 18-81jj](#), as amended by this act.

(i) The department shall annually on or before January first submit to the Criminal Justice Policy and Planning Division established under [section 4-68m](#) a report containing, in a disaggregated and anonymized format, the following data, which shall be broken down by facility and the age, race and sex of incarcerated persons included in the data:

(1) The number of incarcerated persons in isolated confinement in this state's correctional facilities, as of the first day of each of the twelve months preceding the date of the submission of the report 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 incarcerated persons who were in isolated confinement for more than fifteen cumulative days in the previous calendar year as categorized by the following periods of time:

(A) Sixteen to thirty days;

(B) Thirty-one to sixty days;



Agency Legislative Proposal – 2024 Session

Document Name:

- (C) Sixty-one to ninety days; and
- (D) More than ninety days;
- (3) The number of incidents broken down by month during the previous calendar year in the department's facilities categorized as:
 - (A) Suicides by incarcerated persons;
 - (B) Attempted suicides by incarcerated persons;
 - (C) Self-harm by incarcerated persons;
 - (D) Assaults by incarcerated persons on staff members; and
 - (E) Assaults and fights between incarcerated persons;
- (4) Monthly reports showing the total number of incarcerated persons against whom the department has used force, including use of the following:
 - (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;
- (5) Grievances filed by incarcerated persons, broken down by month, including the number of grievances filed, dismissed, affirmed or otherwise resolved;
- (6) Programs offered to incarcerated persons, including the program title and a brief description of the program, the number of spots available in each program and the number of persons enrolled in each program as of the first of each month;
- (7) Internal department work assignments held by incarcerated persons, including the work assignment title, the daily wage paid and the number of such persons in each position as of the first of each month; and
- (8) External jobs held by incarcerated persons working for outside employers, including the job title, hourly wage paid, the number of such persons in each position as of the first of each month and the name of each employer.
- (j) The provisions of this section do not apply to any incarcerated person described in subsection (a) of [section 18-10b](#).
- (k) The department shall publish on its Internet web site the formula for calculating an incarcerated person's mental health score and any report pursuant to subsection (i) of this section.