



Senate

General Assembly

File No. 800

January Session, 2025

Substitute Senate Bill No. 1541

Senate, April 29, 2025

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 OFFICE OF THE CORRECTION OMBUDS, DISCLOSURE OF DISCIPLINARY MATTERS OR ALLEGED MISCONDUCT BY A DEPARTMENT OF CORRECTION EMPLOYEE AND USE OF FORCE AND BODY CAMERAS IN CORRECTIONAL FACILITIES.

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

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2 repealed and the following is substituted in lieu thereof (*Effective from*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

4 (m) The person appointed as Correction Ombuds shall serve for an
5 initial term of [two years] four years to run concurrent with the term of
6 the Governor and may serve until a successor is appointed and
7 confirmed in accordance with this section. Such person may be
8 reappointed for succeeding terms.

9 Sec. 2. Section 18-81jj of the general statutes is amended by adding
10 subsection (o) as follows (*Effective from passage*):

11 (NEW) (o) (1) The office of the Governor shall develop and make
12 public a method for any person to complain to said office concerning the
13 performance of the Correction Ombuds if such person is able to
14 document that the Correction Ombuds, in performance of the duties of
15 the Correction Ombuds, committed an act that constitutes an abuse of
16 power, malfeasance or negligence. Upon evaluation of each such
17 complaint, if said office finds that such complaint may warrant the
18 removal of the Correction Ombuds, said office shall submit a copy of
19 such complaint to both houses of the General Assembly. Such complaint
20 shall be referred, without debate, to the joint standing committee of the
21 General Assembly having cognizance of matters relating to the
22 Department of Correction, which shall conduct a public hearing on such
23 complaint and vote on whether to report such complaint not later than
24 thirty calendar days from the time of reference, but not later than seven
25 calendar days before the adjourning of the General Assembly when the
26 General Assembly is in regular session. If the General Assembly is not
27 in regular session at the time of the submission of such complaint, such
28 committee shall conduct a public hearing on such complaint and vote
29 on whether to report such complaint not later than sixty calendar days
30 from the time of reference. If the committee fails to vote affirmatively to
31 remove the Correction Ombuds, no report to the General Assembly
32 shall be generated and such complaint shall be deemed resolved and not
33 result in the removal of the Correction Ombuds. If the committee votes
34 to recommend removal of the Correction Ombuds, such committee shall
35 report such recommendation to the General Assembly. The General
36 Assembly by joint resolution may approve or reject such resolution.
37 Approval of such resolution shall result in immediate removal of the
38 Correction Ombuds. Rejection or failure to take action on such
39 resolution by either house shall result in such complaint being deemed
40 resolved and not result in the removal of the Correction Ombuds.

41 (2) The General Assembly may dispose of any complaint filed
42 pursuant to subdivision (1) of this subsection in regular or special
43 session, as applicable.

44 Sec. 3. Section 18-81qq of the general statutes is repealed and the

45 following is substituted in lieu thereof (*Effective from passage*):

46 (a) (1) There is, within the Office of Governmental Accountability
47 established under section 1-300, the Office of the Correction Ombuds for
48 the provision of ombuds services. The Correction Ombuds appointed
49 pursuant to section 18-81jj, as amended by this act, shall be the head of
50 said office.

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

52 (A) Evaluating the delivery of services to persons who are
53 incarcerated [persons] by the Department of Correction;

54 (B) Reviewing periodically the nonemergency procedures
55 established by the department to carry out the provisions of title 18 and
56 evaluating whether such procedures conflict with the rights of
57 [incarcerated] persons who are incarcerated;

58 (C) Receiving communications, [from persons in the custody of the
59 Commissioner of Correction] including telephone calls and electronic
60 mail from persons who are incarcerated, who shall be permitted to make
61 such telephone or electronic mail communications free of charge,
62 regarding decisions, actions, omissions, policies, procedures, rules or
63 regulations of the department;

64 (D) Conducting announced or unannounced site visits of correctional
65 facilities administered by the department, without restrictions on such
66 visits, including during periods when a facility is locked down or
67 experiencing a facility-wide emergency, provided the department may
68 restrict access to a portion of a facility in an emergency situation for the
69 duration of the emergency. For the purpose of this subparagraph, a
70 situation or event constituting an emergency shall be determined by the
71 commissioner or the commissioner's designee, to be a situation
72 constituting a significant risk to the safety or security of the facility, or
73 the health, safety or security of department staff or persons who are
74 incarcerated, or an event that significantly compromises the operations
75 of the facility;

76 (E) Reviewing the operation of correctional facilities and
77 nonemergency procedures employed at such facilities. Nonemergency
78 procedures include, but are not limited to, the department's use of force
79 procedures;

80 (F) Recommending procedure and policy revisions to the
81 department;

82 (G) Taking all possible actions, including, but not limited to,
83 conducting programs of public education, undertaking legislative
84 advocacy and making proposals for systemic reform and formal legal
85 action in order to secure and ensure the rights of persons in the custody
86 of the commissioner. The Correction Ombuds shall exhaust all other
87 means to reach a resolution before initiating litigation; [and]

88 (H) Conducting surveys by sending or distributing during facility
89 visits, confidential written and electronic communications or
90 questionnaires to persons who are incarcerated or employees of the
91 Department of Correction concerning conditions of confinement,
92 working conditions or other subjects within the scope of the duties of
93 the Office of the Correction Ombuds, without prior approval of the
94 department. Such persons who are incarcerated or employees shall be
95 permitted to complete and return to said office such surveys either in
96 written format or electronically. No survey may be sent or distributed
97 to an employee of the Department of Correction, unless the Correction
98 Ombuds previously made such survey available for review and
99 comment by the bargaining units representing such employees; and

100 [(H)] (I) Publishing on an Internet web site operated by the Office of
101 the Correction Ombuds a semiannual summary of all ombuds services
102 and activities during the six-month period before such publication.

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

106 (c) The Correction Ombuds may, within available funds, appoint

107 such staff as may be deemed necessary. The duties of the staff may
108 include the duties and powers of the Correction Ombuds if performed
109 under the direction of the Correction Ombuds.

110 [(d) The General Assembly shall annually appropriate such sums as
111 necessary for the payment of the salaries of the staff and for the payment
112 of office expenses and other actual expenses incurred by the Correction
113 Ombuds in the performance of the Correction Ombuds' duties. Any
114 legal or court fees obtained by the state in actions brought by the
115 Correction Ombuds shall be deposited in the General Fund.]

116 (d) (1) Notwithstanding any provision of the general statutes, the
117 appropriations recommended for the Office of the Correction Ombuds
118 shall be the estimates of the expenditure requirements transmitted to the
119 Secretary of the Office of Policy and Management by the Correction
120 Ombuds and the recommended adjustments and revisions of such
121 estimates shall be the recommended adjustments and revisions, if any,
122 transmitted by said Correction Ombuds to the director of the Office of
123 Policy and Management.

124 (2) Notwithstanding any provision of the general statutes, the
125 Governor shall not reduce allotment requisitions or allotments in force
126 concerning the Office of the Correction Ombuds.

127 (e) (1) The Correction Ombuds need not investigate a complaint, if
128 the Correction Ombuds determines such investigation is not warranted.

129 [(e)] (2) In the course of [investigations] an investigation, the
130 Correction Ombuds shall rely on a variety of sources to corroborate
131 matters raised by persons who are incarcerated [persons] or others.
132 Where such matters turn on validation of particular incidents, the
133 Correction Ombuds shall endeavor to rely on communications from
134 persons who are incarcerated [persons] who have reasonably pursued a
135 resolution of the complaint through any existing internal grievance
136 procedures of the Department of Correction. In all events, the
137 Correction Ombuds shall make good faith efforts to provide an
138 opportunity to the Commissioner of Correction to investigate and to

139 respond to such concerns prior to making such matters public.

140 (3) (A) At the conclusion of an investigation, the Correction Ombuds
141 shall render a public decision on the merits of each complaint.
142 Documents supporting the decision are subject to relevant
143 confidentiality provisions, but may be disclosed by request of and to (i)
144 the complainant or an authorized representative of the family of the
145 complainant as disclosed to the Correction Ombuds, or (ii) the
146 chairpersons of the joint standing committee of the General Assembly
147 having cognizance of matters relating to the Department of Correction.
148 The Correction Ombuds shall communicate the decision to the person
149 making the complaint and to the department. The Correction Ombuds
150 shall include in any decision findings of any department administrative
151 directive, state or constitutional right that has been violated by the
152 department or an employee of the department and recommendations
153 and reasoning if, in the Correction Ombuds' opinion, the department or
154 any employee should (I) further investigate the complaint; (II) modify
155 or cancel an action of the department or employee; (III) alter a
156 department rule, practice or ruling; (IV) explain in detail the action in
157 question; or (V) rectify an omission of the department or employee.

158 (B) At least ninety-six hours prior to issuing a decision pursuant to
159 subparagraph (A) of this subdivision that expressly, or by implication,
160 criticizes the department or an employee of the department, the
161 Correction Ombuds shall consult with the department or employee, as
162 applicable.

163 (4) At the Correction Ombuds' request, the department shall, within
164 the time specified by the Correction Ombuds, inform the Correction
165 Ombuds of any action taken on recommendations contained in a
166 decision pursuant to subdivision (3) of this subsection or any reason for
167 not complying with any such recommendation. The Correction Ombuds
168 shall notify the incarcerated person whose complaint resulted in a
169 decision containing such recommendation, of any action taken by the
170 department in response to such recommendation, unless such action is
171 confidential.

172 (f) (1) All oral and written communications, including, but not limited
173 to, in response to any survey, and records relating to such
174 communications between a person in the custody of the Commissioner
175 of Correction, or an employee of the Department of Correction, and the
176 Correction Ombuds or a member of the Office of the Correction
177 Ombuds staff, including, but not limited to, the identity of a
178 complainant, the details of the communications and the Correction
179 Ombuds' findings shall be confidential and shall not be disclosed
180 without the consent of such person, except that the Correction Ombuds
181 (A) may disclose without the consent of such person general findings or
182 policy recommendations based on such communications, provided no
183 individually identifiable information is disclosed, and (B) shall disclose
184 to the Commissioner of Correction any communication concerning a
185 physical threat made against such person's self, an incarcerated person
186 or an employee of the Department of Correction. The Correction
187 Ombuds shall disclose sufficient information to the Commissioner of
188 Correction or the commissioner's designee as is necessary to respond to
189 the Correction Ombuds' inquiries or to carry out recommendations, but
190 such information may not be further disclosed outside of the
191 Department of Correction. For the purposes of this section, identical or
192 blank surveys and questionnaires received by said office shall not be
193 confidential.

194 (2) All processing controls, allowances for limited free postage and
195 advances of funds to persons who are incarcerated for postage shall
196 apply to mail sent to the Office of the Correction Ombuds.

197 (g) Notwithstanding the provisions of subsection (f) of this section,
198 whenever in the course of carrying out the Correction Ombuds' duties,
199 the Correction Ombuds or a member of the Office of the Correction
200 Ombuds staff becomes aware of the commission or planned commission
201 of a criminal act or threat that the Correction Ombuds reasonably
202 believes is likely to result in death or substantial bodily harm, the
203 Correction Ombuds shall notify the Commissioner of Correction or an
204 administrator of any correctional facility housing the perpetrator or
205 potential perpetrator of such act or threat and the nature and target of

206 the act or threat.

207 (h) Notwithstanding any provision of the general statutes concerning
208 the confidentiality of records and information, the Correction Ombuds
209 shall have access to, including the right to inspect and copy, any records
210 necessary to carry out the responsibilities of the Correction Ombuds, as
211 provided in this section. The provisions of this subsection shall not be
212 construed to compel access to any record protected by the attorney-
213 client privilege or attorney-work product doctrine or any record related
214 to a pending internal investigation, external criminal investigation or
215 emergency procedures. For purposes of this subsection, "emergency
216 procedures" are procedures the Department of Correction uses to
217 manage control of tools, keys and armories and concerning department
218 emergency plans, emergency response units, facility security levels and
219 standards and radio communications.

220 (i) The Correction Ombuds may issue subpoenas to compel the
221 attendance and testimony of witnesses or the production of books,
222 papers and other documents and administer oaths to witnesses in any
223 matter under investigation. Any such subpoena shall be served upon
224 the person to whom such subpoena is issued not later than fifteen days
225 prior to the time specified in the subpoena for compliance. Such person
226 may, not later than fifteen days after service of such subpoena, or on or
227 before the time specified in the subpoena for compliance, whichever is
228 later, serve upon the Correction Ombuds written objection to the
229 subpoena and file such objection in the superior court for the judicial
230 district of Hartford, which shall adjudicate such objection in accordance
231 with the rules of the court. If any person to whom such subpoena is
232 issued fails to so object or appear or, having appeared, refuses to give
233 testimony or fails to produce the evidence required, the Correction
234 Ombuds may apply to the superior court for the judicial district of
235 Hartford, which shall have jurisdiction to order such person to appear
236 and give testimony or to produce such evidence, as the case may be.

237 (j) In the performance of the duties provided for in this section, the
238 Correction Ombuds may communicate privately with any person in the

239 custody of the commissioner. Such communications shall be
240 confidential except as provided in subsections (e) and (f) of this section.

241 (k) (1) The Correction Ombuds may hold informal hearings and may
242 request that any person appear before the Correction Ombuds or at a
243 hearing and give testimony or produce documentary or other evidence
244 that the Correction Ombuds considers relevant to a matter under
245 investigation.

246 (2) The Correction Ombuds, when scheduling such hearing, shall
247 arrange an appearance of a person who is incarcerated or an employee
248 of the department in cooperation with the department at a time and
249 location that does not interfere with the operation of a correctional
250 facility.

251 (l) The Correction Ombuds shall make available to persons who are
252 incarcerated confidential means by which to report concerns or
253 otherwise submit complaints to the Correction Ombuds, which may
254 include, but need not be limited to (1) electronic means or a locked box,
255 accessible only by the Correction Ombuds and the employees of the
256 Office of the Correction Ombuds, or (2) a hotline for persons who are
257 incarcerated to communicate with said office. All measures shall be
258 taken to ensure there is no risk or credible fear of retaliation against
259 persons who are incarcerated for submitting complaints to the
260 Correction Ombuds. Submission of complaints to the Correction
261 Ombuds shall not be part of the department administrative grievance or
262 appeal process, and the Correction Ombuds' decisions shall not
263 constitute agency action. Nothing in this section shall be deemed to
264 constitute part of the administrative exhaustion process. The Correction
265 Ombuds shall not require persons who are incarcerated to file
266 grievances or other inquiries as part of the department's system to be
267 considered ripe for review by the Correction Ombuds.

268 [(i)] (m) In the performance of the responsibilities provided for in this
269 section, the Correction Ombuds may communicate privately with any
270 person in the custody of the commissioner. Such communications shall
271 be confidential except as provided in subsections (e) and (f) of this

272 section.

273 [(j)] (n) The Correction Ombuds may apply for and accept grants,
274 gifts and bequests of funds from other states, federal and interstate
275 agencies, for the purpose of carrying out the Correction Ombuds'
276 responsibilities. There is established within the General Fund a
277 Correction Ombuds account which shall be a separate, nonlapsing
278 account. Any funds received under this subsection shall, upon deposit
279 in the General Fund, be credited to said account and may be used by the
280 Correction Ombuds in the performance of the Correction Ombuds'
281 duties.

282 [(k)] (o) The name, address and other personally identifiable
283 information of a person who makes a complaint to the Correction
284 Ombuds, information obtained or generated by the Office of the
285 Correction Ombuds in the course of an investigation and all confidential
286 records obtained by the Correction Ombuds or the office shall be
287 confidential and shall not be subject to disclosure under the Freedom of
288 Information Act, as defined in section 1-200, or otherwise except as
289 provided in subsections (f) and (g) of this section.

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

294 [(m)] (q) Not later than December 1, 2023, and annually thereafter,
295 the Correction Ombuds shall submit a report, in accordance with section
296 11-4a, to the joint standing committee of the General Assembly having
297 cognizance of matters relating to the Department of Correction
298 regarding the conditions of confinement in the state's correctional
299 facilities and halfway houses. Such report shall detail the Correction
300 Ombuds' findings and recommendations.

301 Sec. 4. Section 1-24 of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective from passage*):

303 The following officers may administer oaths: (1) The clerks of the
304 Senate, the clerks of the House of Representatives and the chairpersons
305 of committees of the General Assembly or of either branch thereof,
306 during its session; (2) state officers, as defined in subsection (t) of section
307 9-1, judges and clerks of any court, family support magistrates, judge
308 trial referees, justices of the peace, commissioners of the Superior Court,
309 notaries public, town clerks and assistant town clerks, in all cases where
310 an oath may be administered, except in a case where the law otherwise
311 requires; (3) commissioners on insolvent estates, auditors, arbitrators
312 and committees, to parties and witnesses, in all cases tried before them;
313 (4) assessors and boards of assessment appeals, in cases coming before
314 them; (5) commissioners appointed by governors of other states to take
315 the acknowledgment of deeds, in the discharge of their official duty; (6)
316 the moderator of a school district meeting, in such meeting, to the clerk
317 of such district, as required by law; (7) the chief elected official of a
318 municipality, in any matter before the chief elected official of a
319 municipality; (8) the Chief Medical Examiner, Deputy Medical
320 Examiner and assistant medical examiners of the Office of the Medical
321 Examiner, in any matter before them; (9) registrars of vital statistics, in
322 any matter before them; (10) any chief inspector or inspector appointed
323 pursuant to section 51-286; (11) registrars of voters, deputy registrars,
324 assistant registrars, and moderators, in any matter before them; (12)
325 special assistant registrars, in matters provided for in subsections (b)
326 and (c) of section 9-19b and section 9-19c; (13) the Commissioner of
327 Emergency Services and Public Protection and any sworn member of
328 any local police department or the Division of State Police within the
329 Department of Emergency Services and Public Protection, in all
330 affidavits, statements, depositions, complaints or reports made to or by
331 any member of any local police department or said Division of State
332 Police or any constable who is under the supervision of said
333 commissioner or any of such officers of said Division of State Police and
334 who is certified under the provisions of sections 7-294a to 7-294e,
335 inclusive, and performs criminal law enforcement duties; (14) judge
336 advocates of the United States Army, Navy, Air Force, Marine Corps
337 and Space Force, law specialists of the United States Coast Guard,

338 adjutants, assistant adjutants, acting adjutants and personnel adjutants,
339 commanding officers, executive officers and officers whose rank is
340 lieutenant commander or major, or above, of the armed forces, as
341 defined in section 27-103, to persons serving with or in the armed forces,
342 as defined in said section, or their spouses; (15) investigators, deputy
343 investigators, investigative aides, secretaries, clerical assistants, social
344 workers, social worker trainees, paralegals and certified legal interns
345 employed by or assigned to the Public Defender Services Commission
346 in the performance of their assigned duties; (16) bail commissioners,
347 intake, assessment and referral specialists, family relations counselors,
348 support enforcement officers, chief probation officers and supervisory
349 judicial marshals employed by the Judicial Department in the
350 performance of their assigned duties; (17) juvenile matter investigators
351 employed by the Division of Criminal Justice in the performance of their
352 assigned duties; (18) the chairperson of the Connecticut Siting Council
353 or the chairperson's designee; (19) the presiding officer at an agency
354 hearing under section 4-177b; (20) investigators employed by the
355 Department of Social Services Office of Child Support Services, in the
356 performance of their assigned duties; (21) the chairperson, vice-
357 chairperson, members and employees of the Board of Pardons and
358 Paroles, in the performance of their assigned duties; (22) the
359 Commissioner of Correction or the commissioner's designee; (23) sworn
360 law enforcement officers, appointed under section 26-5, within the
361 Department of Energy and Environmental Protection, in all affidavits,
362 statements, depositions, complaints or reports made to or by any such
363 sworn law enforcement officer; (24) sworn motor vehicle inspectors
364 acting under the authority of section 14-8; (25) the Correction Ombuds
365 pursuant to section 18-81qq, as amended by this act, and [(25)] (26)
366 eligibility workers, specialists and supervisors employed by the
367 Department of Social Services for the sole purpose of witnessing the
368 execution of an affirmation or acknowledgment of parentage when their
369 assigned duties include witnessing such execution.

370 Sec. 5. (NEW) (*Effective from passage*) (a) For any agreement or
371 arbitration award approved before, on or after the effective date of this
372 section, in accordance with the provisions of sections 5-270 to 5-280,

373 inclusive, of the general statutes, on matters appropriate to collective
374 bargaining, as defined in said sections, where any provision in such
375 agreement or award pertaining to the disclosure of disciplinary matters
376 or alleged misconduct by a Department of Correction employee would
377 prevent the disclosure of documents required to be disclosed under the
378 provisions of the Freedom of Information Act, as defined in section 1-
379 200 of the general statutes, the provisions of the Freedom of Information
380 Act shall prevail. The provisions of this subsection shall not be
381 construed to diminish a bargaining agent's access to information
382 pursuant to state law.

383 (b) No collective bargaining agreement or arbitration award entered
384 into before, on or after the effective date of this section, by the state and
385 any collective bargaining unit of the Department of Correction may
386 prohibit the disclosure of any disciplinary action based on a violation of
387 the administrative directives contained in the personnel file of an officer
388 of said division.

389 Sec. 6. Section 18-81nn of the general statutes is repealed and the
390 following is substituted in lieu thereof (*Effective October 1, 2025*):

391 (a) Any correction officer who witnesses another correction officer
392 use what the witnessing correction officer objectively knows to be
393 excessive or illegal use of force shall intervene and attempt to stop such
394 other correction officer from using such force. Any correction officer
395 who fails to intervene in such an incident may be prosecuted and
396 punished in accordance with the provisions of section 53a-8 for the same
397 acts as the correction officer who used unreasonable, excessive or illegal
398 force.

399 (b) Any correction officer who witnesses another correction officer
400 use what the witnessing correction officer objectively knows to be
401 unreasonable, excessive or illegal use of force or is otherwise aware of
402 such use of force by another correction officer shall report, as soon as is
403 practicable, such use of force to the [witnessing correction officer's
404 immediate supervisor. Such supervisor] warden of the facility where
405 such use of force occurred, who shall immediately report such use of

406 force to the [immediate supervisor of the correction officer who is
407 reported to have used such force] Commissioner of Correction and the
408 state police. Any correction officer required to report such an incident
409 who fails to do so may be prosecuted and punished in accordance with
410 the provisions of sections 53a-165 to 53a-167, inclusive.

411 (c) The Department of Correction or any employee of the department
412 shall not take any retaliatory personnel action or discriminate against a
413 correction officer because such correction officer intervened in an
414 incident pursuant to subsection (a) of this section or reported an incident
415 pursuant to subsection (b) of this section. Such intervening or reporting
416 correction officer shall be protected by the provisions of section 4-61dd.

417 (d) If a correction officer is giving a formal statement about the use of
418 force or if a correction officer is the subject of a disciplinary investigation
419 in which a recording is being considered as part of a review of an
420 incident, the officer shall (1) have the right to review such recording in
421 the presence of the officer's attorney or labor representative, and (2)
422 have the right to review recordings capturing the officer's image or voice
423 during the incident. Such recording shall not be disclosed, except by
424 request of and to (A) a person in the recording or an authorized
425 representative of the family of such person as disclosed to the Correction
426 Ombuds; or (B) the chairpersons of the joint standing committee of the
427 General Assembly having cognizance of matters relating to the
428 Department of Correction.

429 (e) Not later than January 1, 2026, the Commissioner of Correction
430 shall develop a plan for the implementation of body-worn recording
431 equipment in correctional facilities. Not later than February 1, 2026, the
432 commissioner shall report such plan, in accordance with the provisions
433 of section 11-4a, to the joint standing committees of the General
434 Assembly having cognizance of matters relating to public safety,
435 government oversight and the Department of Correction. Such plan
436 shall include recommendations for any legislation necessary to
437 implement such plan and the department's timeline for implementation
438 of such plan.

439 (f) For purposes of this section, "use of force" means the use of
 440 physical force or deadly physical force, as defined in section 53a-3, by a
 441 correction officer to compel compliance by a person who is incarcerated.
 442 "Use of force" includes, but is not limited to, the use of restraints,
 443 chemical agents, canines, chokeholds or munitions or forceable
 444 extraction from a cell.

445 Sec. 7. (*Effective from passage*) The Office of the Correction Ombuds,
 446 established pursuant to section 18-81qq of the general statutes, as
 447 amended by this act, in consultation with the Office of the Attorney
 448 General, shall publish on said offices' Internet web sites a database that
 449 contains all cases filed against the Department of Correction defended
 450 by the division of the office of the Attorney General concerning public
 451 safety during the period from January 1, 2000, to the effective date of
 452 this section. Said offices shall conduct and publish the results of targeted
 453 audits of such cases that were brought as medical neglect cases during
 454 the period from January 1, 2019, to the effective date of this section.

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

Section 1	<i>from passage</i>	18-81jj(m)
Sec. 2	<i>from passage</i>	18-81jj(o)
Sec. 3	<i>from passage</i>	18-81qq
Sec. 4	<i>from passage</i>	1-24
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>October 1, 2025</i>	18-81nn
Sec. 7	<i>from passage</i>	New section

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 26 \$	FY 27 \$
Governor's Off.	GF - Potential Cost	See Below	See Below
Governmental Accountability, Off.	GF - Cost	166,531	155,031
Governmental Accountability, Off.	GF - Potential Cost	See Below	See Below
State Comptroller - Fringe Benefits ¹	GF - Cost	63,113	63,113

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes a variety of changes regarding the role of the Office of the Correction Ombudsman (OCO) within the Office of Governmental Accountability (OGA) including increasing the term of office, expanding existing authority and obligations, and the publication of a database of cases against the Department of Corrections (DOC) resulting in the following fiscal impacts.

Section 2, of the bill requires that the Office of the Governor (GOV) to develop a public method to receive and evaluate complaints about the Correction Ombudsman resulting in a potential cost. The exact cost will depend on the number of additional staff hours and resources required to review complaints.

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 40.71% of payroll in FY 26.

Section 3, of the bill requires the OCO to provide at least one of three confidential means of communication to receive complaints² resulting in a cost of up to \$6,500 in FY 26. The exact cost will depend on the method chosen.

Section 4, of the bill empowers OCO to conduct informal hearings and issue subpoenas for investigations requiring two additional employees³ resulting in a cost to OCO of \$160,031 in FY 26 and \$155,031 in FY 27, and an associated fringe benefit cost of \$63,113 in FY 26 and FY 27.

This cost is associated with the expanded investigative role of OCO, the additional legal work and administrative support required to conduct informal hearings and to receive testimony and material as investigations require.

This section also results in a potential cost to OCO related to the conduct of informal hearings, because the bill requires that these hearings be conducted at a time that does not interfere with corrections facility operations. The exact cost would depend on the number of informal hearings conducted and the associated overtime and material cost required.

Section 7 requires the Office of the Attorney General (OAG) with OCO to publish certain files on its website resulting in no fiscal impact because the OAG has the resources and expertise to meet the requirements of the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of informal

² This includes through electronic means, secured lock boxes, or a hotline to call the OCO. The total cost to install a secured lock box in each facility, is \$6,500. The cost to create a hotline, is expected to be minimal as the phones are already installed in the facilities.

³ This includes an Assistant Correction Ombudsman at an annual salary cost of \$91,254 and an Administrative Assistant at an annual salary cost of \$63,777.

processes conducted as a result of the legislation.

OLR Bill Analysis**sSB 1541*****AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, DISCLOSURE OF DISCIPLINARY MATTERS OR ALLEGED MISCONDUCT BY A DEPARTMENT OF CORRECTION EMPLOYEE AND USE OF FORCE AND BODY CAMERAS IN CORRECTIONAL FACILITIES.*****SUMMARY**

This bill makes several changes to the laws governing the Office of the Correction Ombuds. By law, the correction ombuds is an independent resource for incarcerated individuals who generally investigates complaints, monitors conditions in correctional facilities, and recommends changes in the Department of Correction (DOC). Among other things, the bill:

1. increases, from two to four years, the duration of the correction ombuds' initial term and aligns it with the governor's term;
2. establishes a specific process for removing the correction ombuds from office, which includes review by the General Assembly;
3. grants the office certain protections against changes to its budget request and reductions in its allotments;
4. expands the ombuds' duties by (a) requiring him, after an investigation, to issue public decisions on the complaint's merits and (b) authorizing him to issue subpoenas to compel testimony and document production in investigations and administer oaths;
5. allows the ombuds to conduct surveys of incarcerated individuals or DOC employees about confinement or working conditions; and

6. requires the ombuds, in consultation with the attorney general, to publish a database with cases filed against DOC and perform targeted audits of medical neglect cases.

Regarding correction officer use of force, the bill (1) requires reporting to a higher authority when an officer witnesses or is aware of another officer using objectively unreasonable, excessive, or illegal use of force; (2) establishes certain rights for officers to review recordings of an incident; and (3) requires DOC to develop a plan to implement the use of body-worn recording equipment in correctional facilities.

Lastly, the bill requires the disclosure of certain DOC employee disciplinary documents if the state's freedom of information laws requires it, even if the employee collection bargaining agreements or arbitration awards prevent disclosure. It also prohibits DOC employee collective bargaining agreements or arbitration awards from having provisions that prevent the disclosure of certain disciplinary records.

EFFECTIVE DATE: Upon passage, except the provisions on correction officer use of force are effective October 1, 2025.

§§ 2-4 & 7 — CORRECTION OMBUDS

Removal (§ 2)

The bill requires the governor's office to develop and publicly post a way for someone to make a complaint about the correction ombuds' performance, but the person must be able to document that the ombuds, while performing his duties, committed an act that is an abuse of power, malfeasance, or negligence.

The bill requires the governor's office to review the complaint and if it finds that it may meet the standard for removing the ombuds from office, it must submit the complaint to both houses of the General Assembly, which must then refer it to the Judiciary Committee without debate.

Under the bill, the Judiciary Committee must hold a public hearing on the complaint and vote on whether to report it for a full legislature

vote. This must occur within 30 days after being referred, but no later than seven days before sine die during regular session. If the legislature is not in regular session, the committee must hold the public hearing and vote within 60 days after receiving the referral.

If the committee does not vote in favor of removing the ombuds, the complaint is deemed resolved, the ombuds retains the position, and the General Assembly does not receive a report from the committee. But if the committee votes to recommend the ombuds' removal, the bill requires it to report the recommendation to the General Assembly for further action.

Under the bill, the General Assembly may approve or reject the recommendation by joint resolution. This may occur in either regular or special session. Approving the resolution results in the ombuds' immediate removal. If either chamber rejects or fails to act on it, the complaint is considered resolved and the ombuds is not removed.

Office Budget (§ 3)

As part of the state budget process, the governor, through the Office of Policy and Management (OPM), gives recommended budget appropriations to the General Assembly, including for the ombuds' office's operation.

The bill instead requires the OPM secretary to include the correction ombuds' estimates of the office's expenditure requirements and recommended adjustments and revisions in the proposed budget documents that OPM submits to the legislature, without altering them. It also prohibits the governor from reducing the office's allotment requisitions or allotments in force. Existing law grants these same protections to the (1) Office of State Ethics (CGS § 1-81a), (2) Freedom of Information Commission (CGS § 1-205a), and (3) State Elections Enforcement Commission (CGS § 9-7c).

The bill also eliminates a provision requiring the legal or court fees the state receives from legal actions brought by the ombuds to be deposited into the General Fund.

Duties (§§ 3 & 4)

Communications. Existing law requires the ombuds to be able to receive communications from incarcerated individuals about DOC decisions, actions, omissions, policies, procedures, rules, or regulations. The bill requires that he be able to receive these communications by telephone and email, which must be at no cost to the incarcerated individual. It also requires existing processing controls, allowances for limited free postage, and fund advances for postage to apply to mail sent to the ombuds' office.

Oral and written communications and records about the communications between an incarcerated individual and the ombuds' office are generally confidential under existing law. The bill (1) expands this confidentiality to also apply to communications and records between the office and a DOC employee and (2) explicitly includes survey responses as a type of communication. It allows the ombuds to disclose to DOC, however, information about a physical threat against the incarcerated individual's self, another incarcerated person, or a DOC employee. The law already allows him to disclose certain information with the incarcerated individual's consent. Under the bill, identical or blank surveys or questionnaires are not confidential.

Informal Hearings. The bill allows the ombuds to hold informal hearings and ask any person to appear before him or at the hearing to testify or produce evidence that he thinks is relevant to an investigation. When scheduling the hearing, the ombuds must arrange for an incarcerated individual or DOC employee to appear at a time that does not interfere with the correctional facility's operation.

Investigations. By law, the ombuds has the authority to investigate complaints from incarcerated individuals. The bill specifies that he is not required to do so if he determines it is not warranted.

At the end of the investigation, the bill requires the ombuds to (1) communicate his decision to the complainant and DOC and (2) issue a public decision on the merits of each complaint. And at least 96 hours

before issuing a decision that criticizes DOC or one of its employees (either expressly or impliedly), the ombuds must consult with DOC or the employee, as applicable.

Under the bill, the decision must include findings of any DOC administrative directive or constitutional right that DOC or one of its employees violated. It must also have recommendations and reasoning if the ombuds believes that DOC or the employee should:

1. further investigate the complaint;
2. change or stop a DOC or employee action;
3. change a DOC rule, practice, or ruling;
4. give a detailed explanation of the action in question; or
5. fix a DOC or employee omission.

The bill subjects a decision's supporting documents to relevant confidentiality provisions (see above), but it allows them to be disclosed at the request of and to the (1) complainant or an authorized representative of the claimant's family that is identified to the ombuds or (2) Judiciary Committee chairpersons.

The bill requires DOC, if the ombuds asks and within the time he specifies, to inform the ombuds about (1) any action taken on a decision's recommendations or (2) the reason for not complying with them. And unless the action is confidential, the ombuds must inform the complainant involved in the decision about any responding DOC action.

Oaths. The bill authorizes the correction ombuds to administer oaths, including to witnesses in investigations. Existing law allows various people to administer oaths, such as the House and Senate clerks, judges, certain municipal officials, and state officers.

Subpoenas. The bill allows the correction ombuds to issue subpoenas to compel (1) witness attendance for providing testimony or

(2) document production (e.g., books or papers).

Under the bill, the person to whom the subpoena is issued must receive it at least 15 days before the date specified for compliance. The recipient may object to the subpoena by serving the correction ombuds with and filing a written objection in Hartford Superior Court, but must do so by the later of 15 days after service or by the specified compliance date. The court must then adjudicate the objection according to its rules.

If the recipient does not object or appear, appears but refuses to testify, or does not produce the required evidence, the bill allows the correction ombuds to apply to Hartford Superior Court for an order for them to comply.

Ombuds Services (§ 3)

Receiving Complaints. The bill requires the ombuds to provide a confidential way for incarcerated individuals to report concerns or submit complaints. It specifies that this may include (1) electronic access or a locked box that only the ombuds and his office's employees can access and (2) a hotline for incarcerated individuals to call the office. The bill requires that all measures be taken to ensure there is no risk or credible fear of retaliation against those who submit complaints to the ombuds.

Under the bill, these complaints are not part of (1) DOC's administrative grievance or appeal process or (2) administrative exhaustion process.

The bill prohibits the ombuds from requiring incarcerated individuals to file grievances or other requests through DOC's system for them to be reviewed by the ombuds. Additionally, it prohibits the ombuds' decisions from being considered an agency action.

Site Visits. Existing law allows the ombuds to conduct site visits of DOC correctional facilities. The bill specifies that they may be announced or without notice. It also requires them to be generally without restrictions, including when the facility is locked down or has a

facility-wide emergency. DOC may, however, limit access to part of a facility if there is an emergency but only for as long as the emergency lasts. Under the bill, an emergency is (1) a situation that puts the facility's safety or security or DOC staffs' or incarcerated individual's health, safety, or security at significant risk or (2) an event that significantly compromises the facility's operations. The DOC commissioner or his designee determines if a specific incident meets this standard.

Surveys. The bill allows the correction ombuds to survey incarcerated individuals or DOC employees about the confinement conditions, working conditions, or other matters within the ombuds' scope of duties. The surveys may be sent or distributed during facility visits, through confidential written and electronic communications, or by questionnaire. Survey responses must be able to be submitted either in writing or electronically.

Under the bill, surveys do not need prior approval by DOC, but those sent or distributed to employees must first be made available for review and comments by the bargaining units that represent them.

Report on Cases Filed Against DOC (§ 7)

The bill requires the correction ombuds, in consultation with the attorney general, to publish on both offices' websites a database with the cases filed against DOC from January 1, 2000, to the date the bill passes, that the attorney general's public safety division defended. It also requires them to conduct, and publish the results of, targeted audits of cases filed against DOC from January 1, 2019, to the date the bill passes, that were brought as medical neglect cases.

§ 6 — CORRECTION OFFICER USE OF FORCE

Required Reporting and Intervention

The bill requires reporting to a higher authority for certain use of force incidents involving correction officers. Specifically, it requires a correction officer who witnesses, or is aware of, another correction officer using objectively unreasonable, excessive, or illegal use of force

to report it as soon as practicable to the facility warden, who must then immediately report it to the DOC commissioner and the State Police. Currently, the witnessing correction officer must report the incident to his or her supervisor who must then report it to the immediate supervisor of the officer who reportedly used the force. As under existing law, failing to properly report subjects a correction officer to possible prosecution and punishment for hindering prosecution, which is a felony. (But it appears the bill does not subject wardens to the same possible enforcement for failing to report.)

Existing law, unchanged by the bill, requires a witnessing correction officer to intervene and try to stop another correction officer from using this force. An officer who fails to do so may be held criminally liable and prosecuted and punished for the same acts as the officer who used unreasonable, excessive, or illegal force (CGS § 53a-8).

The bill specifies that “use of force,” for the above reporting purposes, is the physical or deadly physical force a correction officer uses to compel someone to comply and includes things like using restraints, chemical agents, dogs, chokeholds, munitions, or forceable extraction.

Recording Review

Similar to existing law’s rights for police officers to review recordings, the bill gives corrections officers who make formal statements about the use of force, or who are the subject of a disciplinary investigation, in which a recording is part of the incident review the right to review (1) the recording with their attorney or labor representative present and (2) recordings showing their image or voice during the incident. It generally prohibits disclosing the recording, but allows disclosure if it is requested by and given to (1) a person in the recording or an authorized representative of that person’s family who is identified to the correction ombuds or (2) the Judiciary Committee chairpersons.

Body-Worn Recording Plan

The bill requires DOC to develop a plan to implement using body-

worn recording equipment in correctional facilities, which must have recommendations for any needed legislation and the implementation timeline. DOC must do this by January 1, 2026, and report the plan to the Government Oversight, Judiciary, and Public Safety and Security committees by February 1, 2026.

§ 5 — COLLECTIVE BARGAINING AGREEMENTS OR AWARDS

The bill requires the disclosure of documents on disciplinary matters or alleged misconduct by a DOC employee if required by the state Freedom of Information Act, even if the state employee collective bargaining agreements or arbitration awards prevent disclosure. The bill specifies that it does not lessen a bargaining agent's access to information already allowed under state law.

The bill also bans collective bargaining agreements or arbitration awards by the state and DOC collective bargaining units from prohibiting disclosure of a disciplinary action in a correction officer's personnel file for violating an administrative directive.

These provisions apply to all applicable agreements or awards, regardless of when they are approved or entered.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 31 Nay 10 (04/08/2025)