

Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: SB-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

Title: BODY CAMERAS IN CORRECTIONAL FACILITIES.

Vote Date: 4/8/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/26/2025

File No.: 800

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SPONSORS OF BILL:

Judiciary Committee

CO-SPONSORS:

Rep. Travis Simms, 140th Dist.

REASONS FOR BILL:

This bill represents a culmination of discussions between the Office of the Correction Ombudsman and state legislators regarding legislative proposals. The bill includes proposals related to lengthening the term of the Correction Ombuds, modifying the duties and powers of the Office of the Correction Ombuds, amending the budget process for the Office, modifying provisions concerning use of force in correctional facilities, requiring the development of a plan for use of body cameras by correctional officers, and permitting claimants to be granted permission to sue the state with regard to certain claims by persons who are incarcerated. The language is designed to streamline and simplify processes, resolve small drafting errors, keep up with technology, and enhance access to justice.

SUBSTITUTE LANGUAGE:

The substitute language makes various technical and wording revisions to the bill. For example, it adds wording regarding the removal of the Correction Ombuds, requires that surveys be sent to corrections employees' union for review prior to being sent to any correctional staff, creating an affirmative obligation of the Ombuds to immediately report to the Department of Corrections any threat against an inmate or staff and requiring the

subpoena to be served at least fifteen days prior to the date specified in the subpoena, striking the provision that exempts the Ombuds hearings from the UAPA, giving the Ombuds the authority to administer oaths, adding language regarding posting of cases against the DOC, among others.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut Office of Correction Ombuds, Interim Correction Ombuds,

DeVaughn Ward, Esq.; supports this bill for numerous reasons relating to the betterment of Connecticut's correctional system and the strengthening of the Office of Correction Ombuds. It is stated that extending Correction Ombuds' term would be beneficial in maintaining the continuity of the office and sustaining correctional oversight and reform. Moreover, while the Department of Correction (DOC) has been cooperative in the practices of the Office, codifying this, including the ability to access correctional facilities and communicate with incarcerated individuals, is claimed to be important should relations change in future administrations. The testimony also supports the bills language which holds correctional officers to the same transparency standards of state and municipal police, provides clarity on reporting requirements, protects whistleblowers, provides a pathway for incarcerated individuals who sustain an injury during their sentence, and expands the Office's discovery abilities. It is recommended that an amendment be included to allow for the Office to request and obtain access to DOC records that are needed for each complaint without undergoing significant delays.

State of Connecticut Office of the Attorney General, Attorney General, William Tong;

opposed certain sections of this bill including the new subsection (i) of Section 2 which grants broad subpoena powers that are usually reserved only for certain kinds of officers. Moreover, there is no language in the bill that would limit the number of hearings that Ombuds may hold to investigate. Due to the Office of the Attorney General representing the DOC, it is stated that this can increase the number of resources needed as they would have to attend these potentially numerous hearings. Section 5 is opposed to in its entirety because it is stated to allow Ombuds to waive sovereign immunity in the case of death or permanent disability of an incarcerated individual if done alongside an affidavit of good faith. Their opposition is furthered by providing the historical context of sovereign immunity waivers by the Office of the Claims Commissioner (OCC) and provides that the expansion of these exceptions would allow for the Ombuds to decide issues on negligence.

State of Connecticut Department of Correction, Commissioner, Angel Quiros;

cited concerns on this bill, including the lack of clarity of the language in Section 2(e) regarding the documents that may be released to the public by Ombuds. Without further defining this, it is stated that there may be potential conflicts with the Freedom of Information Act and the release of sensitive information. Concerns are also stated on the consistency of investigations and decisions with the Ombuds and the DOC as they may find varied conflicting results. Further it is expressed that the release of video footage regarding use-of-force incidents to the public may result in adverse effects such as revealing blind-spots in the facilities and increasing inmate escapes as the layout and details of the facility would be exposed; putting both staff and those who are incarcerated at risk. Additionally, concerns regarding Section 5 were stated as it may affect due process. The DOC supports Section 4(e) of the bill and the development of a plan to explore the usage of body cameras, and its potential benefits.

State of Connecticut Office of Chief Public Defender, Assistant Legal Counsel, John R. DelBarba; supports this bill but expressed concerns on the ability of the state to maintain appropriate funding for the Ombudsman to staff their office and carry out the statutory mandates.

NATURE AND SOURCES OF SUPPORT:

American Civil Liberties Union of Connecticut (ACLU-CT), Policy Counsel, Jess Zaccagnino; supports this bill as it would improve the Office of Correction Ombuds. It is stated that longer Ombuds' terms would improve continuity and would align Connecticut with other states. Additionally, ACLU-CT supports the safeguarding of the Correction Ombuds budget from executive reductions, and the initiative to hold correctional officers to the same standards as local and state police.

Connecticut Trial Lawyers Association (CTLA), President, Alinor Sterling, Esq.; supports this bill as it would facilitate and streamline the process of bringing forth a claim against the state in cases of fatal or permanent disability suffered by individuals who are incarcerated. This is stated to be beneficial as it would reduce the barriers that incarcerated individuals, or their families seeking justice, face and will help recognize the independent oversight of Correction Ombuds.

Disability Rights Connecticut (DRCT), Supervisory Attorney, Rachel Mirsky, Esq.; supports this bill as it will allow for the Ombudsman to operate as an independent state agency with broad investigative powers to look into alleged incidents of neglect or abuse within the DOC. It is also stated that this bill would be beneficial as it would allow for confidential communications between Ombudsman and incarcerated individuals which can help to reduce the fear of retaliation. Additionally, it would give Ombudsman the same ability as DRCT to visit facilities unannounced and will grant them a broader ability to subpoena and collect evidence.

One Standard of Justice, Co-founder and President, Cindy Prizio; supports this as it will provide the Office of the Ombuds with the tools needed to effectively do their work.

Stop Solitary CT, Director, Barbara Fair; supports this bill and the requirements that correction officers wear body cameras. She expresses concerns, however, on the enforcement of this policy and if it will be followed.

Just Us CT, Ashley Turner; supports this bill and highlights why she feels that Correctional Ombudsmen are important to representing those who are incarcerated and maintaining independent oversight. Support for the usage of body cameras to reduce instances of excessive uses of force is also expressed.

CT CannaWarriors, Co-Founder, Christina Capitan; supports this bill and provides their experience as a formerly incarcerated individual who both witnessed and experienced cruelty during their sentence without any meaningful accountability. It is stated that this bill would

help provide more protections and accountability to prevent others experiencing the same abuse.

CT Cannawarriors, Cannabis Advocate, Josiah Schlee; supports this bill as it will help give a voice to incarcerated individuals and protect correctional officers who are following the rules. It is proposed that the bill be amended to explicitly state when the body cameras must be turned on to ensure its consistent usage.

University of Connecticut, Medical Student, Kevin Chudy; supports this bill and expresses his experience learning about the healthcare disparities amongst incarcerated individuals. He furthers that excessive force in correctional facilities results in immense physical and mental adversities, and that requiring correctional officers to wear body cameras could further accountability and will safeguard the wellbeing of incarcerated individuals.

Quinnipiac University, Professor of Social Work, Amber Kelly; supports this bill but cites concerns that the requirement that correction officers have body cameras would be ineffective if not properly enforced. It is suggested that the footage recorded be regularly reviewed and that the wrongdoings caught are acted upon.

Alex Brown; supports this bill and provides their experience as a formerly incarcerated individual who has witnessed firsthand why there is a need for more oversight, accountability, and protection for incarcerated people. Moreover, it is stated that streamlining the process for pursuing medical malpractice claims would help address systemic abuse and could be used as a model for addressing all forms of abuse within correctional facilities.

NATURE AND SOURCES OF OPPOSITION:

AFSCME Council 4, Legislative and Political Director, Brian Anderson; opposes this bill and cites concerns over line 53, 102, 292, 201, 222, 281, and 289. It is stated that the proposed expansion of powers to the Ombuds does not include language to protect the employees Garrity rights and may not comply with the due process requirements as outlined under the Uniform Administrative Procedures Act. Further, the testimony explains that the language in the bill may contribute to a decrease in the correctional officer's moral, which can lead to instances such as the wildcat strike that occurred in New York.

Department of Corrections, Correctional Officer, Anonymous; opposes this bill because it is not necessary as correctional facilities are already equipped with surveillance systems. Requiring that correctional officers wear body cameras is explained to be costly, and funds could be better spent on rehabilitation programs, staff training, or improvements to the facility. Furthermore, it is stated that such body cameras would be invasive to the privacy of inmates and could be leaked to the public, leading to potential misinterpretations or unnecessary concern.

Reported by: Danielle Colbath

Date: April 15, 2025