



General Assembly

January Session, 2025

Raised Bill No. 1541

LCO No. 6735



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE OFFICE OF THE CORRECTION
OMBUDS, USE OF FORCE AND BODY CAMERAS IN
CORRECTIONAL FACILITIES, CLAIMS AGAINST THE STATE BY
PERSONS WHO ARE INCARCERATED.***

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2 repealed and the following is substituted in lieu thereof (*Effective from*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] four years to run concurrent with the term of the
6 Governor and may serve until a successor is appointed and confirmed
7 in accordance with this section. Such person may be reappointed for
8 succeeding terms.

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 Section 18-81qq of the general statutes is repealed and the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

11 (a) (1) There is, within the Office of Governmental Accountability
12 established under section 1-300, the Office of the Correction Ombuds for

13 the provision of ombuds services. The Correction Ombuds appointed
14 pursuant to section 18-81jj, as amended by this act, shall be the head of
15 said office.

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

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

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

23 (C) Receiving communications, [from persons in the custody of the
24 Commissioner of Correction] including telephone calls and electronic
25 mail from persons who are incarcerated, who shall be permitted to make
26 such telephone or electronic mail communications free of charge,
27 regarding decisions, actions, omissions, policies, procedures, rules or
28 regulations of the department;

29 (D) Conducting announced or unannounced site visits of correctional
30 facilities administered by the department, without restrictions on such
31 visits, including during periods when a facility is locked down or
32 experiencing a facility-wide emergency, provided the department may
33 restrict access to a portion of a facility in an emergency situation for the
34 duration of the emergency. For the purpose of this subdivision, a
35 situation or event constituting an emergency shall be determined by the
36 commissioner or the commissioner's designee, to be a situation
37 constituting a significant risk to the safety or security of the facility, or
38 the health, safety or security of department staff or persons who are
39 incarcerated, or an event that significantly compromises the operations
40 of the facility;

41 (E) Reviewing the operation of correctional facilities and
42 nonemergency procedures employed at such facilities. Nonemergency

43 procedures include, but are not limited to, the department's use of force
44 procedures;

45 (F) Recommending procedure and policy revisions to the
46 department;

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

53 (H) Conducting surveys by sending or distributing during facility
54 visits, confidential written and electronic communications or
55 questionnaires to persons who are incarcerated or employees of the
56 Department of Correction concerning conditions of confinement,
57 working conditions or other subjects within the scope of the duties of
58 the Office of the Correction Ombuds, without prior approval of the
59 department. Such persons who are incarcerated or employees shall be
60 permitted to complete and return to said office such surveys either in
61 written format or electronically; and

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

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

68 (c) The Correction Ombuds may, within available funds, appoint
69 such staff as may be deemed necessary. The duties of the staff may
70 include the duties and powers of the Correction Ombuds if performed
71 under the direction of the Correction Ombuds.

72 [(d) The General Assembly shall annually appropriate such sums as
73 necessary for the payment of the salaries of the staff and for the payment
74 of office expenses and other actual expenses incurred by the Correction
75 Ombuds in the performance of the Correction Ombuds' duties. Any
76 legal or court fees obtained by the state in actions brought by the
77 Correction Ombuds shall be deposited in the General Fund.]

78 (d) (1) Notwithstanding any provision of the general statutes, the
79 appropriations recommended for the Office of the Correction Ombuds
80 shall be the estimates of the expenditure requirements transmitted to the
81 Secretary of the Office of Policy and Management by the Correction
82 Ombuds and the recommended adjustments and revisions of such
83 estimates shall be the recommended adjustments and revisions, if any,
84 transmitted by said Correction Ombuds to the director of Policy and
85 Management.

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

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

91 [(e)] (2) In the course of [investigations] an investigation, the
92 Correction Ombuds shall rely on a variety of sources to corroborate
93 matters raised by persons who are incarcerated [persons] or others.
94 Where such matters turn on validation of particular incidents, the
95 Correction Ombuds shall endeavor to rely on communications from
96 persons who are incarcerated [persons] who have reasonably pursued a
97 resolution of the complaint through any existing internal grievance
98 procedures of the Department of Correction. In all events, the
99 Correction Ombuds shall make good faith efforts to provide an
100 opportunity to the Commissioner of Correction to investigate and to
101 respond to such concerns prior to making such matters public.

102 (3) (A) At the conclusion of an investigation, the Correction Ombuds

103 shall render a public decision on the merits of each complaint, except
104 that the documents supporting the decision are subject to relevant
105 confidentiality provisions. The Correction Ombuds shall communicate
106 the decision to the person making the complaint and to the department.
107 The Correction Ombuds shall include in any decision (i) findings of any
108 department administrative directive, state or constitutional right that
109 has been violated by the department or an employee of the department;
110 and (ii) recommendations and reasoning if, in the Correction Ombuds'
111 opinion, the department or any employee should (I) further consider the
112 matter investigated; (II) modify or cancel an action of the department or
113 employee; (III) alter a rule, practice or ruling; (IV) explain in detail the
114 action in question; or (V) rectify an omission of the department or
115 employee.

116 (B) Prior to issuing a decision pursuant to subparagraph (A) of this
117 subdivision that expressly, or by implication, criticizes the department
118 or an employee of the department, the Correction Ombuds shall consult
119 with the department or employee, as applicable.

120 (4) At the Correction Ombuds' request, the department shall, within
121 the time specified by the Correction Ombuds, inform the Correction
122 Ombuds of any action taken on recommendations contained in a
123 decision pursuant to subdivision (3) of this subsection or any reason for
124 not complying with any such recommendation. The Correction Ombuds
125 shall notify the incarcerated person whose complaint resulted in a
126 decision containing such recommendation, of any action taken by the
127 department in response to such recommendation, unless such action is
128 confidential.

129 (f) (1) All oral and written communications, including, but not limited
130 to, in response to any survey, and records relating to such
131 communications between a person in the custody of the Commissioner
132 of Correction, or an employee of the Department of Correction, and the
133 Correction Ombuds or a member of the Office of the Correction
134 Ombuds staff, including, but not limited to, the identity of a

135 complainant, the details of the communications and the Correction
136 Ombuds' findings shall be confidential and shall not be disclosed
137 without the consent of such person, except that the Correction Ombuds
138 may disclose without the consent of such person general findings or
139 policy recommendations based on such communications, provided no
140 individually identifiable information is disclosed. The Correction
141 Ombuds shall disclose sufficient information to the Commissioner of
142 Correction or the commissioner's designee as is necessary to respond to
143 the Correction Ombuds' inquiries or to carry out recommendations, but
144 such information may not be further disclosed outside of the
145 Department of Correction.

146 (2) Mail received by the Office of Correction Ombuds shall be
147 privileged communication, and any and all processing controls,
148 allowances for limited free postage and advances of funds to persons
149 who are incarcerated for postage shall apply to such privileged
150 communications sent to said office. For the purposes of this section,
151 identical or blank surveys and questionnaires received by said office
152 shall not be privileged communication.

153 (g) Notwithstanding the provisions of subsection (f) of this section,
154 whenever in the course of carrying out the Correction Ombuds' duties,
155 the Correction Ombuds or a member of the Office of the Correction
156 Ombuds staff becomes aware of the commission or planned commission
157 of a criminal act or threat that the Correction Ombuds reasonably
158 believes is likely to result in death or substantial bodily harm, the
159 Correction Ombuds shall notify the Commissioner of Correction or an
160 administrator of any correctional facility housing the perpetrator or
161 potential perpetrator of such act or threat and the nature and target of
162 the act or threat.

163 (h) Notwithstanding any provision of the general statutes concerning
164 the confidentiality of records and information, the Correction Ombuds
165 shall have access to, including the right to inspect and copy, any records
166 necessary to carry out the responsibilities of the Correction Ombuds, as

167 provided in this section. The provisions of this subsection shall not be
 168 construed to compel access to any record protected by the attorney-
 169 client privilege or attorney-work product doctrine or any record related
 170 to a pending internal investigation, external criminal investigation or
 171 emergency procedures. For purposes of this subsection, "emergency
 172 procedures" are procedures the Department of Correction uses to
 173 manage control of tools, keys and armories and concerning department
 174 emergency plans, emergency response units, facility security levels and
 175 standards and radio communications.

176 (i) The Correction Ombuds may issue subpoenas to compel the
 177 attendance and testimony of witnesses or the production of books,
 178 papers and other documents and administer oaths to witnesses in any
 179 matter under investigation. The person to whom such subpoena is
 180 issued may, not later than fifteen days after service of such subpoena, or
 181 on or before the time specified in the subpoena for compliance if such
 182 time is less than fifteen days after service, serve upon the Correction
 183 Ombuds written objection to the subpoena and file such objection in the
 184 superior court for the judicial district of Hartford, which shall adjudicate
 185 such objection in accordance with the rules of the court. If any person to
 186 whom such subpoena is issued fails to so object or appear or, having
 187 appeared, refuses to give testimony or fails to produce the evidence
 188 required, the Correction Ombuds may apply to the superior court for
 189 the judicial district of Hartford, which shall have jurisdiction to order
 190 such person to appear and give testimony or to produce such evidence,
 191 as the case may be.

192 (j) In the performance of the duties provided for in this section, the
 193 Correction Ombuds may communicate privately with any person in the
 194 custody of the commissioner. Such communications shall be
 195 confidential except as provided in subsections (e) and (f) of this section.

196 (k) (1) The Correction Ombuds may hold informal hearings and may
 197 request that any person appear before the Correction Ombuds or at a
 198 hearing, and give testimony or produce documentary or other evidence

199 that the Correction Ombuds considers relevant to a matter under
200 investigation.

201 (2) The Correction Ombuds shall arrange an appearance of a person
202 who is incarcerated in cooperation or an employee of the department
203 with the department at a time and location that does not interfere with
204 the operation of a correctional facility.

205 (l) The Correction Ombuds shall make available to persons who are
206 incarcerated confidential means by which to report concerns or
207 otherwise submit complaints to the Correction Ombuds, which may
208 include, but need not be limited to (1) electronic means or a locked box,
209 accessible only by the Correction Ombuds and the employees of the
210 Office of the Correction Ombuds, or (2) a hotline for persons who are
211 incarcerated to communicate with said office. All measures shall be
212 taken to ensure there is no risk or credible fear of retaliation against
213 persons who are incarcerated for submitting complaints to the
214 Correction Ombuds. Submission of complaints to the Correction
215 Ombuds shall not be part of the department administrative grievance or
216 appeal process, and the Correction Ombuds' decisions shall not
217 constitute agency action. Nothing in this section shall be deemed to
218 constitute part of the administrative exhaustion process. The Correction
219 Ombuds shall not require persons who are incarcerated to file
220 grievances or other inquiries as part of the department's system to be
221 considered ripe for review by the Correction Ombuds.

222 (m) The Office of Correction Ombuds is exempt from the provisions
223 of sections 4-176e to 4-183, inclusive.

224 [(i)] (n) In the performance of the responsibilities provided for in this
225 section, the Correction Ombuds may communicate privately with any
226 person in the custody of the commissioner. Such communications shall
227 be confidential except as provided in subsections (e) and (f) of this
228 section.

229 [(j)] (o) The Correction Ombuds may apply for and accept grants, gifts

230 and bequests of funds from other states, federal and interstate agencies,
231 for the purpose of carrying out the Correction Ombuds' responsibilities.
232 There is established within the General Fund a Correction Ombuds
233 account which shall be a separate, nonlapsing account. Any funds
234 received under this subsection shall, upon deposit in the General Fund,
235 be credited to said account and may be used by the Correction Ombuds
236 in the performance of the Correction Ombuds' duties.

237 ~~[(k)]~~ (p) The name, address and other personally identifiable
238 information of a person who makes a complaint to the Correction
239 Ombuds, information obtained or generated by the Office of the
240 Correction Ombuds in the course of an investigation and all confidential
241 records obtained by the Correction Ombuds or the office shall be
242 confidential and shall not be subject to disclosure under the Freedom of
243 Information Act, as defined in section 1-200, or otherwise except as
244 provided in subsections (f) and (g) of this section.

245 ~~[(l)]~~ (q) No state or municipal agency shall discharge, or in any
246 manner discriminate or retaliate against, any employee who in good
247 faith makes a complaint to the Correction Ombuds or cooperates with
248 the Office of the Correction Ombuds in an investigation.

249 ~~[(m)]~~ (r) Not later than December 1, 2023, and annually thereafter, the
250 Correction Ombuds shall submit a report, in accordance with section 11-
251 4a, to the joint standing committee of the General Assembly having
252 cognizance of matters relating to the Department of Correction
253 regarding the conditions of confinement in the state's correctional
254 facilities and halfway houses. Such report shall detail the Correction
255 Ombuds' findings and recommendations.

256 Sec. 3. (NEW) (*Effective from passage*) (a) For any agreement or
257 arbitration award approved before, on or after the effective date of this
258 section, in accordance with the provisions of sections 5-270 to 5-280,
259 inclusive, of the general statutes, on matters appropriate to collective
260 bargaining, as defined in said sections, where any provision in such

261 agreement or award pertaining to the disclosure of disciplinary matters
262 or alleged misconduct by a Department of Correction employee would
263 prevent the disclosure of documents required to be disclosed under the
264 provisions of the Freedom of Information Act, as defined in section 1-
265 200 of the general statutes, the provisions of the Freedom of Information
266 Act shall prevail. The provisions of this subsection shall not be
267 construed to diminish a bargaining agent's access to information
268 pursuant to state law.

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

275 Sec. 4. Section 18-81nn of the general statutes is repealed and the
276 following is substituted in lieu thereof (*Effective October 1, 2025*):

277 (a) Any correction officer who witnesses another correction officer
278 use what the witnessing correction officer objectively knows to be
279 excessive or illegal use of force shall intervene and attempt to stop such
280 other correction officer from using such force. Any correction officer
281 who fails to intervene in such an incident [may] shall be prosecuted and
282 punished in accordance with the provisions of section 53a-8 for the same
283 acts as the correction officer who used unreasonable, excessive or illegal
284 force.

285 (b) Any correction officer who witnesses another correction officer
286 use what the witnessing correction officer objectively knows to be
287 unreasonable, excessive or illegal use of force or is otherwise aware of
288 such use of force by another correction officer shall report, as soon as is
289 practicable, such use of force to the [witnessing correction officer's
290 immediate supervisor. Such supervisor] warden of the facility where
291 such use of force occurred, who shall immediately report such use of

292 force to the [immediate supervisor of the correction officer who is
293 reported to have used such force] state police. Any correction officer
294 required to report such an incident who fails to do so may be prosecuted
295 and punished in accordance with the provisions of sections 53a-165 to
296 53a-167, inclusive.

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

303 (d) If a correction officer is giving a formal statement about the use of
304 force or if a correction officer is the subject of a disciplinary investigation
305 in which a recording is being considered as part of a review of an
306 incident, the officer shall (1) have the right to review such recording in
307 the presence of the officer's attorney or labor representative, and (2)
308 have the right to review recordings capturing the officer's image or voice
309 during the incident. Not later than forty-eight hours following an
310 officer's review of a recording under subdivision (1) of this subsection,
311 or if the officer does not review the recording, not later than ninety-six
312 hours following the recorded incident, whichever is earlier, such
313 recording shall be disclosed, upon request, to the public, subject to the
314 provisions of section 3 of this act.

315 (e) Not later than January 1, 2026, the Commissioner of Correction
316 shall develop a plan for the implementation of body-worn recording
317 equipment in correctional facilities. Not later than February 1, 2026, the
318 commissioner shall report such plan, in accordance with the provisions
319 of section 11-4a, to the joint standing committees of the General
320 Assembly having cognizance of matters relating to public safety,
321 government oversight and the Department of Correction. Such plan
322 shall include recommendations for any legislation necessary to
323 implement such plan and the department's timeline for implementation

324 of such plan.

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

331 Sec. 5. Subsection (f) of section 4-160 of the general statutes is repealed
332 and the following is substituted in lieu thereof (*Effective from passage*):

333 (f) (1) In any claim alleging malpractice against the state, a state
334 hospital or against a physician, surgeon, dentist, podiatrist, chiropractor
335 or other licensed health care provider employed by the state, the
336 attorney or pro se party filing the claim may submit a certificate of good
337 faith to the Office of the Claims Commissioner in accordance with
338 section 52-190a. If such a certificate is submitted, permission to sue the
339 state shall be deemed granted by the Claims Commissioner [(1)] (A) on
340 June 28, 2021, if the certificate has been filed with the Claims
341 Commissioner prior to June 28, 2021, or [(2)] (B) upon the filing of the
342 certificate with the Office of the Claims Commissioner, if such certificate
343 is filed on or after June 28, 2021. In lieu of filing a notice of claim
344 pursuant to section 4-147, a claimant may commence a medical
345 malpractice action against the state prior to the expiration of the
346 limitation period set forth in section 4-148 and authorization for such
347 action against the state shall be deemed granted. Any such action shall
348 be limited to medical malpractice claims only and any such action shall
349 be deemed a suit otherwise authorized by law in accordance with
350 subsection (a) of section 4-142. The provisions of this subsection shall
351 apply to any claim alleging malpractice against the state that was timely
352 filed with the Claims Commissioner and remains pending with said
353 commissioner, regardless of whether such claim was filed before, on or
354 after October 1, 2019.

355 (2) In any claim involving a fatal injury suffered by a person while
 356 incarcerated or an injury that resulted in a person who is incarcerated
 357 suffering a permanent disability, the attorney or pro se party filing the
 358 claim may submit an affidavit signed by the Correction Ombuds
 359 attesting to the validity of a claim. Such affidavit shall be filed by the
 360 attorney and claimant or a pro se claimant, attesting to the following, in
 361 the following form: "The Office of the Correction Ombudsman has made
 362 a reasonable inquiry, as permitted by section 18-81qq of the general
 363 statutes, which has given rise to a good faith belief that grounds exist
 364 for a suit against the state. Such inquiry includes (provide a brief
 365 description of the inquiry made)." If such an affidavit is submitted,
 366 permission to sue the state shall be deemed granted by the Claims
 367 Commissioner.

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>	18-81qq
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2025</i>	18-81nn
Sec. 5	<i>from passage</i>	4-160(f)

Statement of Purpose:

To (1) lengthen the term of the Correction Ombuds, (2) modify the duties and powers of the Office of the Correction Ombuds, (3) amend the budget process for the Office of the Correction Ombuds, (4) modify provisions concerning use of force in correctional facilities, (5) require the development of a plan for use of body cameras by correctional officers, and (6) permit claimants to be granted permission to sue the state in the case of certain claims by persons who are incarcerated.

[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.]