



Substitute Senate Bill No. 1541

Public Act No. 25-161

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

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

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 Subsection (m) of section 18-81jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(m) The person appointed as Correction Ombuds shall serve for [an initial] a term of two years, [and] except that on and after January 6, 2027, a person appointed as Correction Ombuds shall serve for a term of four years to run concurrent with the term of the Governor. Such person may serve until a successor is appointed and confirmed in accordance with this section [. Such person] and may be reappointed for succeeding terms.

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 Section 18-81qq of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

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

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

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

(E) Reviewing the operation of correctional facilities and

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nonemergency procedures employed at such facilities. Nonemergency procedures include, but are not limited to, the department's use of force procedures;

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

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

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

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

(b) Notwithstanding any provision of the general statutes, the Correction Ombuds shall act independently of any department in the

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performance of the office's duties.

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

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

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

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

(e) (1) The Correction Ombuds need not investigate a complaint, if the Correction Ombuds determines such investigation is not warranted. If the Correction Ombuds determines that such investigation is not warranted, the Correction Ombuds shall inform the person making the complaint of such decision in writing.

[(e)] (2) In the course of [investigations] an investigation, the Correction Ombuds shall rely on a variety of sources to corroborate

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matters raised by persons who are incarcerated [persons] or others. Where such matters turn on validation of particular incidents, the Correction Ombuds shall endeavor to rely on communications from persons who are incarcerated [persons] who have reasonably pursued a resolution of the complaint through any existing internal grievance procedures of the Department of Correction. In all events, the Correction Ombuds shall make good faith efforts to provide an opportunity to the Commissioner of Correction to investigate and to respond to such concerns prior to making such matters public.

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

(B) At least ninety-six hours prior to issuing a decision pursuant to subparagraph (A) of this subdivision that expressly, or by implication, criticizes the department or an employee of the department, the

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Correction Ombuds shall consult with the department or employee or a representative of the employee's bargaining unit, as applicable.

(4) At the Correction Ombuds' request, the department shall, during a period of time agreed upon with the Correction Ombuds, inform the Correction Ombuds of any action taken on recommendations contained in a decision pursuant to subdivision (3) of this subsection or any reason for not complying with any such recommendation. The Correction Ombuds shall notify the incarcerated person whose complaint resulted in a decision containing such recommendation, of any action taken by the department in response to such recommendation.

(f) All oral and written communications, including, but not limited to, in response to any survey, and records relating to such communications between a person in the custody of the Commissioner of Correction, or an employee of the Department of Correction, and the Correction Ombuds or a member of the Office of the Correction Ombuds staff, including, but not limited to, the identity of a complainant, the details of the communications and the Correction Ombuds' findings shall be confidential and exempt from the Freedom of Information Act, as defined in section 1-200, and shall not be disclosed without the consent of such person, except that the Correction Ombuds (1) may disclose without the consent of such person general findings or policy recommendations based on such communications, provided no individually identifiable information is disclosed, [The Correction Ombuds shall disclose sufficient information to the Commissioner of Correction or the commissioner's designee as is necessary to respond to the Correction Ombuds' inquiries or to carry out recommendations, but such information may not be further disclosed outside of the Department of Correction] and (2) shall immediately disclose to the Commissioner of Correction any communication concerning a physical threat made against such person's self, a member of the public, an incarcerated person or an employee of the Department of Correction.

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For the purposes of this section, identical or blank surveys and questionnaires received by said office shall not be confidential.

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

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

(i) The Correction Ombuds, if a commissioner of the Superior Court, may issue subpoenas to compel the attendance and testimony of witnesses or the production of books, papers and other documents and administer oaths to witnesses in any matter under investigation. Any such subpoena shall be served upon the person to whom such subpoena is issued not later than fifteen days prior to the time specified in the

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subpoena for compliance. Such person may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance, whichever is later, serve upon the Correction Ombuds written objection to the subpoena and file such objection in the superior court for the judicial district of Hartford, which shall adjudicate such objection in accordance with the rules of the court. If any person to whom such subpoena is issued fails to so object or appear or, having appeared, refuses to give testimony or fails to produce the evidence required, the Correction Ombuds may apply to the superior court for the judicial district of Hartford, which shall have jurisdiction to order such person to appear and give testimony or to produce such evidence, as the case may be.

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

(k) (1) The Correction Ombuds may conduct hearings in accordance with the provisions of chapter 54 and may request that any person appear before the Correction Ombuds or at a hearing and give testimony or produce documentary or other evidence that the Correction Ombuds considers relevant to a matter under investigation.

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

(l) The Correction Ombuds shall make available to persons who are incarcerated confidential means by which to report concerns or otherwise submit complaints to the Correction Ombuds, which may

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include, but need not be limited to (1) electronic means or a locked box, accessible only by the Correction Ombuds and the employees of the Office of the Correction Ombuds, and (2) a hotline for persons who are incarcerated to communicate with said office. All measures shall be taken to ensure there is no risk or credible fear of retaliation against persons who are incarcerated for submitting complaints to the Correction Ombuds. Submission of complaints to the Correction Ombuds shall not be part of the department administrative grievance or appeal process, and the Correction Ombuds' decisions shall not constitute agency action. Nothing in this section shall be deemed to constitute part of the administrative exhaustion process. The Correction Ombuds shall not require persons who are incarcerated to file grievances or other inquiries as part of the department's system to be considered ripe for review by the Correction Ombuds.

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

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

[(k)] (o) The name, address and other personally identifiable information of a person who makes a complaint to the Correction Ombuds, information obtained or generated by the Office of the

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Correction Ombuds in the course of an investigation and all confidential records obtained by the Correction Ombuds or the office shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, or otherwise except as provided in subsections (f) and (g) of this section.

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

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

Sec. 3. Section 1-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The following officers may administer oaths: (1) The clerks of the Senate, the clerks of the House of Representatives and the chairpersons of committees of the General Assembly or of either branch thereof, during its session; (2) state officers, as defined in subsection (t) of section 9-1, judges and clerks of any court, family support magistrates, judge trial referees, justices of the peace, commissioners of the Superior Court, notaries public, town clerks and assistant town clerks, in all cases where an oath may be administered, except in a case where the law otherwise requires; (3) commissioners on insolvent estates, auditors, arbitrators and committees, to parties and witnesses, in all cases tried before them; (4) assessors and boards of assessment appeals, in cases coming before them; (5) commissioners appointed by governors of other states to take

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the acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school district meeting, in such meeting, to the clerk of such district, as required by law; (7) the chief elected official of a municipality, in any matter before the chief elected official of a municipality; (8) the Chief Medical Examiner, Deputy Medical Examiner and assistant medical examiners of the Office of the Medical Examiner, in any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c; (13) the Commissioner of Emergency Services and Public Protection and any sworn member of any local police department or the Division of State Police within the Department of Emergency Services and Public Protection, in all affidavits, statements, depositions, complaints or reports made to or by any member of any local police department or said Division of State Police or any constable who is under the supervision of said commissioner or any of such officers of said Division of State Police and who is certified under the provisions of sections 7-294a to 7-294e, inclusive, and performs criminal law enforcement duties; (14) judge advocates of the United States Army, Navy, Air Force, Marine Corps and Space Force, law specialists of the United States Coast Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding officers, executive officers and officers whose rank is lieutenant commander or major, or above, of the armed forces, as defined in section 27-103, to persons serving with or in the armed forces, as defined in said section, or their spouses; (15) investigators, deputy investigators, investigative aides, secretaries, clerical assistants, social workers, social worker trainees, paralegals and certified legal interns employed by or assigned to the Public Defender Services Commission in the performance of their assigned duties; (16) bail commissioners, intake, assessment and referral specialists, family relations counselors,

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support enforcement officers, chief probation officers and supervisory judicial marshals employed by the Judicial Department in the performance of their assigned duties; (17) juvenile matter investigators employed by the Division of Criminal Justice in the performance of their assigned duties; (18) the chairperson of the Connecticut Siting Council or the chairperson's designee; (19) the presiding officer at an agency hearing under section 4-177b; (20) investigators employed by the Department of Social Services Office of Child Support Services, in the performance of their assigned duties; (21) the chairperson, vice-chairperson, members and employees of the Board of Pardons and Paroles, in the performance of their assigned duties; (22) the Commissioner of Correction or the commissioner's designee; (23) sworn law enforcement officers, appointed under section 26-5, within the Department of Energy and Environmental Protection, in all affidavits, statements, depositions, complaints or reports made to or by any such sworn law enforcement officer; (24) sworn motor vehicle inspectors acting under the authority of section 14-8; (25) the Correction Ombuds pursuant to section 18-81qq, as amended by this act, and [(25)] (26) eligibility workers, specialists and supervisors employed by the Department of Social Services for the sole purpose of witnessing the execution of an affirmation or acknowledgment of parentage when their assigned duties include witnessing such execution.

Sec. 4. (NEW) (*Effective from passage*) (a) For any agreement or arbitration award approved on or after the effective date of this section, in accordance with the provisions of sections 5-270 to 5-280, inclusive, of the general statutes, on matters appropriate to collective bargaining, as defined in said sections, where any provision in such agreement or award pertaining to the disclosure of disciplinary matters or alleged misconduct by a Department of Correction employee would prevent the disclosure of documents required to be disclosed under the provisions of the Freedom of Information Act, as defined in section 1-200 of the general statutes, the provisions of the Freedom of Information Act shall

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prevail. The provisions of this subsection shall not be construed to diminish a bargaining agent's access to information pursuant to state law.

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

Sec. 5. Section 18-81nn of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

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

(b) Any correction officer who witnesses another correction officer use what the witnessing correction officer objectively knows to be unreasonable, excessive or illegal use of force or is otherwise aware of such use of force by another correction officer shall report, as soon as is practicable, such use of force to the [witnessing correction officer's immediate supervisor. Such supervisor] warden of the facility where such use of force occurred, who shall immediately upon being informed of such use of force report such use of force to the [immediate supervisor of the correction officer who is reported to have used such force] Commissioner of Correction and the state police. Any correction officer required to report such an incident who fails to do so may be prosecuted

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and punished in accordance with the provisions of sections 53a-165 to 53a-167, inclusive.

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

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

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

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available.

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

Sec. 6. (NEW) (*Effective January 1, 2026*) The Office of the Correction Ombuds, established pursuant to section 18-81qq of the general statutes, as amended by this act, in consultation with the office of the Attorney General, shall publish on said offices' Internet web sites a list of the case captions and the names of the parties for each case filed on or after January 1, 2026, against the Department of Correction relating to excessive use of force or medical neglect that is defended by the Attorney General.

Sec. 7. (*Effective July 1, 2025*) Notwithstanding subparagraph (A) of subdivision (1) of subsection (c) of section 29-11 of the general statutes, for the fiscal year ending June 30, 2026, the Commissioner of Emergency Services and Public Protection shall waive a criminal history record information search or fingerprint search fee for any person (1) whose criminal history record information was required to be deemed erased by operation of law pursuant to the provisions of subsection (e) of section 54-142a of the general statutes, and (2) who has demonstrated through evidence sufficient to the Department of Emergency Services and Public Protection that such person submitted and paid for a prior criminal history record information search or fingerprint search that included records that have been deemed erased. The commissioner may waive fees pursuant to this section not more than two times per person.

Sec. 8. Subsection (g) of section 54-142t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1,*

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2025):

(g) On and after January 1, 2024, if a person (1) believes any of such person's criminal history record information was required to be deemed erased by operation of law pursuant to the provisions of subsection (e) of section 54-142a, and (2) submits [a copy of such person's criminal history record information search demonstrating that such criminal history record information has not been marked as erased] an application to the Department of Emergency Services and Public Protection in a form and manner determined by the department, the department shall, following a contested hearing if the department determines relief cannot be immediately granted, make a determination on whether such criminal history information should be deemed erased by operation of law. If a hearing is held, the department shall, not later than fifteen days prior to the hearing, provide the applicant with any criminal history record information to be considered by the department in adjudicating the application and issue a written notice of its determination not later than fifteen days following the hearing. Such determination shall constitute a final decision for the purposes of the provisions of chapter 54.

Governor's Action:

Approved June 30, 2025