
OLR Bill Analysis

sSB 1541 (File 800, as amended by Senate "A")*

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' term and aligns it with the governor's term, beginning January 6, 2027;
2. grants the office certain protections against changes to its budget request and reductions in its allotments;
3. 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;
4. allows the ombuds to conduct surveys of incarcerated individuals or DOC employees about confinement or working conditions; and
5. requires the ombuds, in consultation with the attorney general, to publish a list of cases filed against DOC for excessive use of force or medical neglect.

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 require it, even if the employee collective bargaining agreements or arbitration awards prevent disclosure. It also prohibits future DOC employee collective bargaining agreements or arbitration awards from having provisions that prevent the disclosure of certain disciplinary records.

*Senate Amendment "A" principally (1) eliminates a provision establishing a process for removing the ombuds from office; (2) modifies the ombuds' notification requirements to DOC; (3) makes the ombuds' hearings subject to the Uniform Administrative Procedure Act procedures; (4) specifies that certain information is generally exempt from disclosure under the state's Freedom of Information Act (FOIA); (5) requires DOC's plan on body-worn recording equipment to include budgetary resource information; (6) limits the restrictions on collective bargaining agreements and arbitration awards to those approved or entered into on or after the bill's date of passage; and (7) requires the ombuds to publish a list of new cases against DOC about excessive use of force or medical neglect, rather than a database of cases against DOC concerning public safety since 2000, and eliminates a requirement of a limited audit of these cases involving alleged medical neglect.

EFFECTIVE DATE: Upon passage, except the provisions on correction officer use of force are effective October 1, 2025, and the case list publishing requirement is effective January 1, 2026.

§§ 3, 4 & 7 — CORRECTION OMBUDS

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 requires the ombuds to immediately disclose to DOC, however, information about a physical threat against an incarcerated individual's self, a member of the public, 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.

Similarly, under existing law, if the ombuds or his staff learn of a criminal act or threat that the ombuds reasonably believes is likely to result in death or substantial bodily harm, the ombuds must notify the DOC commissioner or an administrator at the facility housing the alleged perpetrator of the nature and target of the act or threat. The bill requires this notification to be immediate.

By law, the ombuds must give DOC enough information to respond to his inquiries or to carry out recommendations, but it prohibits the information from being disclosed outside of DOC. The bill specifies that this exempts the action from disclosure, including under FOIA, unless it involves (1) general findings or policy recommendations or (2) a criminal act or threat that triggers the ombuds notification requirement.

Hearings. The bill allows the ombuds to conduct hearings under the Uniform Administrative Procedure Act 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. The bill requires the incarcerated individual's hearing appearance to occur at the facility where they are incarcerated.

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 who is identified to the ombuds or (2) Judiciary Committee chairpersons.

The bill requires DOC, if the ombuds asks and within an agreed upon timeframe, to inform the ombuds about (1) any action taken on a decision's recommendations or (2) the reason for not complying with them. And the ombuds must inform the complainant involved in the decision about any responding DOC action, unless it is confidential. The bill specifies that the confidential information is exempt from disclosure, including under FOIA, unless it involves criminal acts or threats that the ombuds reasonably believes is likely to result in death or substantial bodily harm.

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 staff's 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 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 list of the case captions and party names for each case filed on or after January 1, 2026, against DOC and defended by the attorney general about excessive use of force or medical neglect.

§ 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, after being informed, 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 correction 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, the budgetary resources necessary to implement the plan, and the implementation timeline if those resources are made available. 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 FOIA, 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 approved or entered into on or after the bill's date of passage.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 31 Nay 10 (04/08/2025)

Appropriations Committee

Joint Favorable

Yea 37 Nay 11 (05/12/2025)