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## OLR Bill Analysis

### sHB 5477

#### **AN ACT CONCERNING THE WELL-BEING OF EMPLOYEES OF THE DEPARTMENT OF CORRECTION AND PERSONS WHO ARE INCARCERATED IN CORRECTIONAL INSTITUTIONS.**

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#### § 8 — DOC COMMISSIONER'S DUTIES

*Requires the commissioner to ensure that advocates from crisis centers from the region where each correctional institution is located have access to provide these non-institutional, community-based services to inmates*

**§ 9 — DOC STAFFING ASSESSMENT STUDY**

*Requires UConn's Institute for Municipal and Regional Policy (IMRP), in consultation with CJPPD within OPM, to conduct a staffing assessment study of DOC's custodial, program, and administrative employees*

**§ 10 — CORRECTIONAL CULTURE CHANGE INITIATIVE**

*Requires the DOC commissioner to jointly develop with IMRP a plan to phase in a correctional culture change initiative for all current and new employees and submit a preliminary report to the legislature by January 1, 2027*

**§ 11 — WITNESSING EMPLOYEES**

*Requires DOC employees who witness another DOC employee commit sexual abuse or sexual assault to intervene in certain circumstances; sets incident investigation and reporting requirements; establishes employer retaliation protections*

**BACKGROUND**

**SUMMARY**

This bill makes various changes to laws addressing sexual abuse and sexual assault in prison. A section-by-section analysis is shown below.

EFFECTIVE DATE: October 1, 2026, except the provisions on the (1) Department of Correction (DOC) commissioner's investigation of sexual abuse and sexual assault and the confidential crisis hotline are effective July 1, 2026 (§§ 2 & 6); and (2) commissioner's report on body scanning machine training, the DOC staff assessment study, and the correctional culture change initiative are effective upon passage (§§ 3, 9 & 10).

**§ 1 — PRISON RAPE ELIMINATION**

*Requires, rather than authorizes, certain state agencies and political subdivisions to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission and adopts the federal definition of sexual abuse for these purposes*

Current law requires, within available appropriations, any state agency or political subdivision that incarcerates or detains adult or juvenile offenders, including detainees with immigration violations, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission to prevent, detect, monitor, and respond to sexual abuse in adult prisons and jails, community correctional centers, juvenile facilities, and lockups. The bill applies this requirement regardless of available appropriations. It also specifically adopts the federal definition of "sexual abuse," which

includes sexual abuse of an inmate, detainee, or resident by (1) another inmate, detainee, or resident or (2) a staff member, contractor, or volunteer.

***National Standards Related to Prison Rape Elimination***

Current law requires covered agencies to adopt and comply with certain commission standards. The bill makes changes to how some of these standards apply. It:

1. expands the zero tolerance of sexual abuse standard to include written or verbal threats of sexual abuse;
2. adds privacy limits on viewing and searches of inmates who have a gender identity that differs from their assigned sex at birth;
3. adds vulnerable inmates to the standard for heightened protection for vulnerable detainees;
4. specifies that the purpose of the monitoring technology standard is to ensure there are no areas that are not subject to video surveillance, unless the law otherwise prohibits it, and applies the standard to implementing these technologies, in addition to assessing and using them;
5. specifies that the standard for agreements with outside public entities and community service providers includes agreements to ensure access to crisis and emotional support services and ongoing mental health support and treatments;
6. specifies that the standard for agreements with outside law enforcement agencies is for the specific purpose of conducting investigations;
7. adds internal administrative investigations to specialized investigations training;
8. specifies that specialized training for medical and mental health care includes trauma-informed care methods for sexual abuse victims;

9. specifies that the use of screening information is for inmate classification, management, and treatment;
10. restricts DOC interference with inmate access to outside confidential support services or legal representation;
11. adds a standard on the duty to intervene;
12. specifies that disciplinary sanctions for staff include sanctions for any delay in investigating;
13. replaces the standard for disciplinary sanctions for inmates with a standard for graduated disciplinary sanctions for inmates who are the aggressor and for which the agency has substantiated allegations;
14. adds staff-on-inmate and inmate-on-inmate sexual abuse to current law's standard on prosecution referrals for detainee-on-detainee sexual abuse; and
15. adds history of sexual assault, trauma, and victimization to the standard on medical and mental health screenings, which under current law only includes sexual abuse.

### ***Compliance Certification***

Under existing law, unchanged by the bill, the head of any state agency or the chief elected official or governing legislative body of any of the state's political subdivisions that incarcerates or detains juvenile offenders must, annually by January 15, certify compliance with the above provisions to the Criminal Justice and Policy Planning Division (CJPPD) within the Office of Policy and Management (OPM).

### **§ 2 — DOC'S INVESTIGATION OF SEXUAL ABUSE AND SEXUAL ASSAULT**

*Requires the DOC commissioner to ensure that all sexual abuse or sexual assault incidents that occur within a correctional institution are investigated, and to report the investigations to the legislature quarterly*

The bill requires the DOC commissioner to ensure that all sexual abuse or sexual assault incidents that occur within a correctional

institution are investigated. The investigation must be completed within 30 days after an incident report is received by a DOC employee or contractor.

Starting by October 1, 2026, the commissioner must report quarterly to the Government Oversight and Judiciary committees any (1) incident that was not reported within 30 days after it occurred or (2) investigation of a report not completed within 30 days.

### **§ 3 — BODY SCANNING MACHINE TRAINING**

*Requires the DOC commissioner to report to the legislature on a plan to train correctional officers on using body scanning machines*

By July 1, 2026, the bill requires the DOC commissioner to report to the Government Oversight and Judiciary committees on a plan to train correctional officers on using body scanning machines. Under the bill, the plan must ensure that the training is implemented by January 1, 2027.

### **§§ 4 & 5 — SECOND- AND FOURTH-DEGREE SEXUAL ASSAULT**

*Specifies that 2nd and 4th degree sexual assault apply when the actor is employed by or contracted with the hospital or institution or an agency of the state, and increases the mandatory minimum sentence for 2nd degree assault to two years*

#### ***2nd Degree Sexual Assault***

Under current law, one of the ways in which a person can commit 2nd degree sexual assault is when he or she engages in sexual intercourse with another person who is in legal custody or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim. Under the bill, the actor must also be employed by or contracted with the hospital or institution or an agency of the state.

Under current law, 2nd degree sexual assault is a class C felony or, if the victim is under age 16, a class B felony, with a mandatory minimum sentence of nine months. The bill increases the mandatory minimum sentence to two years.

#### ***4th Degree Sexual Assault***

Under current law, a person is guilty of sexual assault in the 4th

degree when he or she subjects another person to sexual contact who is in legal custody or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim. Under the bill, the actor must also be employed by or contracted with the hospital or institution or an agency of the state.

Under the law, unchanged by the bill, 4th degree sexual assault is a class A misdemeanor or, if the victim is under age 16, a class D felony. By law, a class A misdemeanor is punishable by up to 364 days in prison, a fine up to \$2,000, or both. A class D felony is punishable by up to 5 years in prison, a fine up to \$5,000, or both.

### **§ 6 — CONFIDENTIAL CRISIS HOTLINE**

*Requires DOC to contract with a provider to establish and maintain a confidential crisis hotline for correction officers and inmates to call to report sexual violence incidents*

By January 1, 2027, the bill requires DOC to contract with a provider to establish and maintain a confidential crisis hotline for correction officers and inmates to call to report sexual violence incidents. Under the bill, by October 1, 2026, the department must issue a request for proposals to select the provider, who must be outside the department. Inmates must be able to access the hotline confidentially without cost, time limit, or the supervision of, or permission from, any DOC employee.

When the hotline has been established, the department must inform all existing correction officers and any new officers upon hire of it. The department must also post posters in each correctional institution to inform inmates how to access the hotline.

### **§ 7 — CUSTODIAL STAFF MEMBERS TRAINING ON MENTAL HEALTH ISSUES**

*Requires rather than allows DOC, in consultation with the Department of Mental Health and Addiction Services, to develop a program for custodial staff members to receive annual training on mental health issues, and makes it a 10 hour per year minimum requirement*

The bill requires, rather than allows as under current law, DOC, in consultation with the Department of Mental Health and Addiction Services, to develop a program for custodial staff members to receive

annual training on mental health issues. Under current law, this training must be from four to eight hours each year. The bill increases this training requirement to at least 10 hours per year.

Under existing law, within available appropriations, the training program must include:

1. suicide and self-injury prevention,
2. recognition of signs of mental illness,
3. communication skills for interacting with inmates with mental illness, and
4. alternatives to disciplinary action and the use of force when dealing with inmates with mental illness.

The bill expands this by requiring the training program to also include trauma-informed interventions and practices, starting January 1, 2027.

Current law also establishes an eight-hour training requirement on gender specific and trauma-related mental health issues faced by female inmates. Starting January 1, 2027, the bill requires, rather than allows, DOC custodial staff where female inmates are confined to receive this training and requires it to include the effects of sexual violence.

## **§ 8 — DOC COMMISSIONER’S DUTIES**

*Requires the commissioner to ensure that advocates from crisis centers from the region where each correctional institution is located have access to provide these non-institutional, community-based services to inmates*

Under existing law, one of the commissioner’s duties is to establish, develop, and maintain non-institutional, community-based service programs. The bill expands this by requiring the commissioner to ensure that advocates from crisis centers from the region where each correctional institution is located have access to provide these services to inmates.

## **§ 9 — DOC STAFFING ASSESSMENT STUDY**

*Requires UConn's Institute for Municipal and Regional Policy (IMRP), in consultation with CJPPD within OPM, to conduct a staffing assessment study of DOC's custodial, program, and administrative employees*

The bill requires IMRP, in consultation with CJPPD within OPM, to conduct a staffing assessment study of DOC's custodial, program, and administrative employees.

### **Goals**

Under the bill, IMRP and CJPPD must recommend strategies to improve the department's and facility operations' management and administration with the following goals:

1. identifying the appropriate staffing ratio relative to the number of correctional institutions, centers, inmates, community correction supervision programs, and supervised population;
2. reducing costs related to overtime, incidents of employee injury, and the rate of employee absenteeism;
3. improving employee health and job satisfaction; and
4. aligning with correctional best practices.

### **Reporting Requirement**

The bill requires IMRP to report its findings and recommendations by January 1, 2027, to the Government Oversight and Judiciary committees.

## **§ 10 — CORRECTIONAL CULTURE CHANGE INITIATIVE**

*Requires the DOC commissioner to jointly develop with IMRP a plan to phase in a correctional culture change initiative for all current and new employees and submit a preliminary report to the legislature by January 1, 2027*

The bill requires the DOC commissioner to (1) jointly develop with IMRP a plan to phase in a correctional culture change initiative for all current and new employees and (2) by January 1, 2027, submit a preliminary report on it to the Government Oversight and Judiciary committees.

### ***Plan Elements***

The plan must include the following elements:

1. streamlining core responsibilities of staff and promoting a supportive work environment to reduce burnout and enhance morale;
2. implementing dynamic security principles to cultivate positive staff-to-inmate individual relationships, leading to a reduction in incidents and a safer environment;
3. introducing and managing programs and activities that mirror life outside of prison, improving the overall atmosphere, and preparing inmates for reintegration into society; and
4. assessing and supporting the inmates' progress, particularly those with a history of problematic behavior, through targeted interventions and resources.

### ***Phase-In Plan Components***

Under the bill, the plan to phase in the initiative must include the following:

1. training at the DOC training academy for all new employees;
2. in-service training for current and future employees;
3. reduction in using lock-down procedures as a management tool;
4. reduction in employee absenteeism, overtime, and injury;
5. policies and procedures to improve DOC employees' and inmates' outcomes; and
6. ongoing process and outcome evaluation and assessment.

### ***Reporting Requirements***

The bill requires the DOC commissioner and IMRP to report on the initiative's implementation and outcomes to the Government Oversight and Judiciary committees, starting by January 1, 2028, and annually

until January 1, 2032.

## **§ 11 — WITNESSING EMPLOYEES**

*Requires DOC employees who witness another DOC employee commit sexual abuse or sexual assault to intervene in certain circumstances; sets incident investigation and reporting requirements; establishes employer retaliation protections*

### ***Employee’s Duty to Intervene***

The bill requires DOC employees who, while acting in their official capacity, witness another DOC employee use what the witnessing employee objectively knows to be sexual abuse or sexual assault toward a person in DOC’s custody and confined in a correctional institution (“person who is incarcerated”) or a person under age 21 at a DOC or Judicial Branch juvenile facility (“detainee”) to intervene and attempt to stop the abuse or assault. Under the bill, a “correctional institution” is a DOC prison or jail.

The bill also makes any witnessing employee who fails to intervene and attempt to stop the abuse or assault criminally liable for the acts of the employee who sexually abused or sexually assaulted the victim.

***Sexual Abuse and Contact.*** Under the bill, “sexual abuse” is any sexual contact between a person who is incarcerated or a detainee and a DOC employee, regardless of the person’s or detainee’s ability to consent. “Sexual contact” is any contact (1) with the intimate parts of someone for the actor’s sexual gratification or to degrade or humiliate the person or (2) any contact of the actor’s intimate parts with someone for the actor’s sexual gratification or to degrade or humiliate the person.

***Sexual Assault.*** Under the bill, “sexual assault” is any act that constitutes 1st, 2nd, 3rd, or 4th degree sexual assault, 1st degree aggravated sexual assault, 3rd degree sexual assault with a firearm, or sexual assault in a spousal relationship.

### ***Employee’s Incident Report***

Under the bill, any employee who witnesses a sexual abuse or sexual assault incident must report it to DOC as soon as is practicable. Anyone who is required to report but fails to do so may be prosecuted and punished for the crime of hindering prosecution. The DOC

commissioner must report this immediately to the nearest local law enforcement agency that has jurisdiction over the incident.

***DOC Retaliation Against Employee Prohibited***

The bill prohibits DOC from taking any retaliatory personnel action or discriminating against an intervening or reporting employee. The employee must be protected under statutes that protect whistleblowers and employees who disclose or report certain activities of their employer, as applicable.

***DOC's Record of Incidents***

DOC must create and maintain a record detailing any reported sexual abuse or sexual assault incident or any incident the department knows about involving a DOC employee sexually abusing or sexually assaulting a person who is incarcerated or detained.

The bill requires the record to include: the employee's name; the time and place of the incident; a description of what occurred during the incident; to the extent known, the names of the victims and witnesses present at the incident; the results of any investigation; and any corrective action taken by the department.

***DOC's Incident Report to CJPPD***

DOC must report to OPM's CJPPD annually, starting by February 1, 2027, on the above incidents during the preceding calendar year. The report must include the records described above and be submitted electronically using a standardized method and form the division must distribute. Before submitting the report, the bill requires DOC to redact any information that may identify a minor, witness, or victim.

***Standardized Method and Form.*** The standardized method and form must allow compilation of statistics on each sexual abuse or sexual assault incident, including the following:

1. the alleged victim's race and gender (however, the identification of these characteristics must be based on the employee's observation and perception);

2. the number of times the victim was sexually abused or sexually assaulted; and
3. any injury the alleged victim suffered.

***OPM's Incident Review and Report***

The bill requires OPM to, within available appropriations, review sexual abuse or sexual assault incidents reported under the bill. Starting by December 1, 2027, the office must annually report the results of any review, including any recommendations, to the governor and the Government Oversight and Judiciary committees' chairpersons and ranking members.

**BACKGROUND**

***Related Bill***

SB 89, favorably reported by the Judiciary Committee, also makes changes to align state law with the Federal Prison Rape Elimination Act.

**COMMITTEE ACTION**

Government Oversight Committee

Joint Favorable Substitute

Yea 11      Nay 1      (03/17/2026)