

Act Number: 09-039

Bill Number: 6685

Senate Pages: 1901, 1935, 1937-1938 **4**

House Pages: 2011-2016 **6**

Committee: Judiciary: 5639, 5656-5658, **19**
5743, 5745, 5748, 5766,
5786-5790, 6124-6127, 6143-
6145

Page Total: **29**

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

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PART 6
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ch/rgd/md
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Motion is to refer item to Higher Ed.

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 531, PR.

Calendar 532, PR.

Calendar 533, PR.

Calendar 535, House Bill Number 6643, Mr.

President, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion is to place item on consent.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 536, House Bill Number 6685, likewise, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion is to place item on consent.

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 537, PR.

Calendar 538 is marked go.

Calendar 539, House Bill Number 6287,

Mr. President, I move to place this item on the

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for House Bill 6643; Calendar 536, Substitute for
House Bill 6685.

Calendar page 15, Calendar Number 539, Substitute
for House Bill 6287.

Calendar page 17, Calendar 553, Substitute for
Senate Bill 885.

Calendar page 20, Calendar 587, Substitute for
House Bill 6598; Calendar 588, Substitute for House
Bill 6324.

Calendar page 21, Calendar 592, House Bill 6439.

Calendar page 27, Calendar Number 135, Senate
Bill 842.

Calendar page 28, Calendar 140, Senate Bill 872.

Calendar page 29, Calendar 175, Substitute for
Senate Bill 617.

Calendar page 30, Calendar 182, Senate Bill 973.

Calendar page 31, Calendar 206, Substitute for
Senate Bill 949.

Calendar page 37, Calendar Number 368, Senate
Bill 846.

Calendar page 38, Calendar 396, House Bill 5841.

Calendar page 42, Calendar 519, Substitute for
Senate Bill 1092; Calendar 375, Substitute for Senate
Bill 1021.

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items placed on the first Consent Calendar.

THE CHAIR:

Thank you. Clerk, if you could please call for a roll call vote, I will open the machine.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar, will all Senators please return to the chamber. The Senate is now voting by roll on the Consent Calendar, will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked.

Mr. Clerk, please call the tally.

THE CLERK:

The motion is on adoption of Consent Calendar
Number 1:

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent/Not Voting	0

THE CHAIR:

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Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you. Thank you, Mr. President. Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of item on calendar page 42, Calendar 519, Senate Bill 1092, An Act Concerning the Client's Security Fund, that was included in the immediately preceding vote on the Consent Calendar.

THE CHAIR:

Motion is to suspend down to the House Calendar 519.

Without objection, so ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, as the second order of the day, I would ask the Clerk to call the item on calendar page 22, Calendar 595, Substitute for House Bill 6648.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Turning to calendar page 22, a matter marked second order of the day, Calendar Number 595, File

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THE CLERK:

House Bill 6643.

Total Number Voting 145

Necessary for Passage 73

Those voting Yea 145

Those voting Nay 0

Those absent and not voting 6

DEPUTY SPEAKER GODFREY:

The bill is passed.

Will the Clerk please call Calendar 453.

THE CLERK:

On page 25, Calendar 453, substitute for House Bill Number 6685, AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY AND CORRECTIONAL FACILITY SPECIFIC DATA, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

The gentleman from East Haven, Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

The question is on passage. Will you explain the bill, please, sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This bill makes some additions to an existing law, which governs the obligation of the Commissioner of Corrections to report to the Legislature and to the Governor certain data related to the inmate population.

Currently, the reports cover the system as a whole. This bill would require certain information reported on a facility by facility basis. In particular, Mr. Speaker, this would measure the actual inmate population by facility. The number of assaults on staff by facility. And it would require the reporting of inmate density, population density by facility. The bill define density as the ratio of fixed beds in a facility to the actual number of inmates. I think as many members of the chamber are aware, in a number of our facilities there are inmates who are temporarily, or in some cases permanently housed on the floor of common areas like gymnasiums and classrooms, that type of thing. Sleeping in these temporary type, what they call sleds, which are basically mattresses on the floor.

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The reason for this information is so that we can appropriately monitor what is taking place in the Department of Corrections. If there are concerns about inadequate facilities, inadequate staffing, as the legislature and the executive branch could be able to respond to that as appropriate.

I should point out, Mr. Speaker, that this, these particular changes are a recommendation of the correctional staff, Health and Safety Task Force which was chaired by Representative Jarmoc over the past year. I think it's fair to say that this represents a compromise and a consensus that this would be doable within existing resources. I think we've all come to understand the important -- the importance of knowing what's actually taking place in the prison system. The statistics tell an important story. It's our obligation to be informed of it, and where appropriate, take action. So I think this will give us the ability to do that, Mr. Speaker and I would urge passage of bill.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Lawlor. Will you remark further on this bill? Will you remark further on this bill? Distinguished raking member from

Southbury, Representative O'Neill.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. And I would just like to make a few brief comments about this proposed, or this piece of legislation that's before us now. I do believe that this is a compromise that was achieved during our committee's deliberation. One of the key elements of that was that the language which talks about having to report changes in population be set as threshold at which a report is required, be set at 10 percent instead of the 5 percent that was originally in the legislation as it was originally proposed in the committee. And I believe that the commissioner was able to recognize that as something that was a -- much more likely to be a workable number, otherwise there might be significant number of reports for relatively minor fluctuations in terms of the population. I believe that the commissioner had no other objections to the legislation as it was being considered, and during the public hearings that we had in this bill.

There is one concern that I have and that is that -- and I'm -- just be sure, as we're looking at it, that the changes in population that we're talking

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about would be, or the focus, I think, everyone is concerned with here is increases in population, but I guess I would put a question through you to the Chair of the Judiciary Committee. Would there be a report required if the population went down by more than 10 percent? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lawlor, do you care to respond?

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I don't believe that this would require reports under those circumstances.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. Unfortunately I wasn't able to bring the thing up on my computer, having gone all high-tech and gotten rid of my paper copies of the files. And at critical moments, it seems, the computer does not bring up the text of the bill. I'm looking at everything, but. Thank you Mr. Speaker and I thank the cochair for his answer.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on this bill? Will you

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remark further on this bill? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call, members to the chamber.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Representative Esposito. Representative Esposito, the machine is still open. Have all the members voted? If so, the machine will be locked. Clerk will take the tally. And the Clerk will announce the tally.

THE CLERK:

House Bill Number 6685.

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER GODFREY:

The bill is passed.

The House will stand at ease.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 18
5612 - 5933**

2009

SENATOR MCDONALD: Thank you for your testimony.

Are there any questions?

If not, thanks very much.

Commissioner Lantz followed by Kieran Sobel. Kieran Sobel here? Okay. If -- then Traci Craig-Green. Traci Craig-Green, okay, you'll be next then.

You came with an entourage. Good to see you, Commissioner.

COMM. TERESA LANTZ: Good afternoon. Only because there's so many questions sometimes that are technical and I need a little help to -- to give you an appropriate response.

Again, good afternoon, Senator McDonald, Representative Lawlor, members of the Judiciary Committee. I am Teresa Lantz, commissioner for the Department of Correction. And I have submitted some written testimony on a number of bills. Today, I'd basically like to just speak to you about Raised Bill Number 6709, an act concerning the Department of Correction.

Raised Bill 6709 is the Department's legislative package and contains the following provisions. And I'm going to summarize as I go through and not read verbatim.

Section 1 of the bill gives explicit statutory authority to deny disclosing specific sensitive information regarding any current or former DOC employee to an inmate unless required by a court order. This language would provide essential statutory protection that would protect my staff from disclosure of personal information to inmates.

HB 6685
HB 6684
HB 6028
SB 1159
HB 6363
SB 639
HB 6704
SB 537
HB 6031
HB 6342
HB 6533

Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman.

First of all, I want to thank you, Commissioner Lantz, and, specifically, as well Deputy Commissioner Brian Murphy and Lena Ferguson. Over the last several months, and indeed the last several days, I just want to say that the communication between myself and my legislative aide and the entire Department of Corrections has been fabulous, not that it hasn't been in the past, but when good things are happening, I believe they deserve to be noted and to be praised. And so the relationship between your offices and -- and mine a - are very, very good right now, and I just hope that continues. Obviously, having six correctional facilities with somewhere around 8,000 inmates, I have a concern regarding these matters.

Let me just touch base because as much as your testimony this afternoon was as succinct as I've ever seen given all your appearances before us, you offered a lot of written testimony on a variety of bills, and I just want to sort of march through them one at a time and just make sure that we're all on the same page.

First, regarding Raised Bill Number 6685, an act concerning the reporting of inmate population density and correctional facility-specific data, and, again, I believe this is in response to the prison population and correctional staff safety task force on which I serve. It was chaired very ably by my friend and colleague Representative Karen Jarmoc who represents the 59th district. It also had on it some correctional officers Todd Sokolowski, Kevin Brace and some others. Wayne Choinski from

your office --

COMM. TERESA LANTZ: Uh-huh.

SENATOR KISSEL: -- did a fabulous job juggling a lot of competing interests. Senator Tony Guglielmo, Representative Penny Bacchiochi, Representative Kathy Tallarita, Senator Andrea Stillman, I think I've plugged everybody that's served on that task force -- so I wanted to make sure that I did that. This one of the recommendations that that task force had. It's my understanding that the Department of Corrections has no objection, and that you would recommend simply that Section 1 be 2. You -- you're stating that that's more realistic regarding facility density threshold should be 10 percent instead of 5 percent. And I was just wondering why.

COMM. TERESA LANTZ: It's just the numbers. If you're looking at a particular facility of 5 percent it is really -- that's a -- that could conceivably be a -- a round up, you know, in the community. So the 10 percent, I think, is more realistic, and I think serves as a much -- much more consistent and stable threshold rather than a 5 percent. In a facility of a thousand, I think -- I'm not a mathematician, but 5 percent is probably about 50. But we, you know, we -- we can increase that -- we can get 70 in in one night in just one facility. So, that's all, I just thought that 10 percent was a much more realistic and keep us a little bit more stable then -- then, you know, always looking at that 5 percent so that was my only issue with the 6685.

SENATOR KISSEL: But other -- otherwise, when we start JF'ing bills, we can put this on our list, and hopefully, it'll be not objected to by --

COMM. TERESA LANTZ: I -- I'm -- I'm not -- I'm not
opposed at all to Bill Number 6685.

SENATOR KISSEL: Okay. That's great.

COMM. TERESA LANTZ: Except for that little -- just
an amendment.

SENATOR KISSEL: Okay.

COMM. TERESA LANTZ: Yeah.

SENATOR KISSEL: Regarding Raised Bill number 6684,
an act establishing a correctional staff health
and safety subcommittee of the criminal justice
policy advisory commission, you're written
testimony is that we support it, but you want
to make sure that in line 58 they be amended to
read instead of correctional officer, hazardous
duty staff. And I'm just wondering what's the
nuance behind that recommendation.

COMM. TERESA LANTZ: Well, if the -- if you're
talking about establishing a correctional
staff, health and safety sign -- sub -- you
know, a committee, a subcommittee to CJ PAC, it
doesn't make sense in the bill that was
currently written to just include one
bargaining unit when we have several bargaining
units of hazardous duty staff. I thought that
they should also have representation.

SENATOR KISSEL: Okay, great. And have you
contacted, or has anybody in the Department
contacted Brian Austin over at the Office of
Policy and Management as to whether they had
any objections to the creation of the
subcommittee. Is that something that we're all
on the same page and something they can do with
an available funding?

REP. FOX: Thank you.

Are there any other questions?

Thank you.

AMANDA STAUBLE: You're welcome.

REP. FOX: Next is Representative Karen Jarmoc.

REP. JARMOC: Good evening.

REP. FOX: Good evening. Thank you.

REP. JARMOC: I am here to testify on what I believe is a very -- two very noncontroversial bills, so I hope you can all (inaudible.)

HB 6685
HB 6709

I'm here -- Representative Karen Jarmoc from Enfield, and I'm -- I'm joined by Correctional Officer, Kevin Brace, who was a member of the Correctional Staff Health and Safety Task Force, who is slated to speak much later into this evening. So I received permission from Representative Lawlor to allow him to speak along with me, and I hope that's still okay. Okay?

So, good. I've had good afternoon, but I'll start to say good evening. I'm -- does that work for all of you? That's one less person. Right?

I'm here today -- today to speak in support of Raised Bill 6684, an act establishing a correctional staff health and safety subcommittee of the Criminal Justice Policy Advisory Commission.

Additionally, I'm here to support Raised House Bill 6685, an act concerning the reporting of inmate population density and

assaults. Of that number, only 197, or 4.3 percent, were categorized as level 1 which is the most serious. And, obviously, a level -- and all the rest were categorized as level 2. And, clearly, we -- we felt there was a discrepancy there.

The subcommittee would be established within the already established Criminal Justice Policy Advisory Commission. It would provide for needed and continual oversight as it relates to the health and safety of correctional staff. As you see from the bill, the subcommittee shall review the policies and procedures of the DOC with respect to staff health and safety to include: How inmate assaults are investigated, classified and assigned points; how data on inmate assaults is collected and compiled; how data on inmate assault is reported to persons and agencies outside of the Department.

In regard to Raised Bill 6685, an act concerning the reporting of inmate population density and correctional facility-specific data, this initiative addresses the issue of how we measure prison overcrowding. Ultimately, this legislation is aimed at assisting policymakers to determine whether or not there's a relationship between population levels and inmate assaults upon staff.

And just, again, to give you some information in regard to population density, in March 2003, six of Connecticut's 19 facilities were over capacity as it relates to population and density. And, in March 2008, eight of the State's correctional facilities were over capacity.

And, finally, I would like to express support for House Bill 6709, an act concerning the

there's no reason for me to have to say it because you know it, but you did an excellent job as chairman of the task force. I was honored in serving on it for those several months in the fall. I think it's a great work product, and you definitely spearheaded the efforts regarding that. And I know in speaking to Representative Bacchiochi and Senator Guglielmo and the other legislators on the task force, I think we all viewed it as very worthwhile.

Regarding this specific proposal when Commissioner Lantz came forward, she had a couple suggestions. And let me just bounce those off of you now while -- while you're here. Regarding Bill 6685, one of the things Commissioner Lantz did suggest is rather than using -- well, actually her testimony is in Section 1-B2, it would be more realistic and meaningful, facility density threshold would be 10 percent rather than 5 percent. She just felt statistically it would be more helpful, and at the end of the day. Do you have an opinion regarding that?

REP. JARMOC: Yeah. I'm not adamantly opposed to rais -- you know, having it be 10 percent as opposed to 5. I do -- I do think it's just really important the legislature have an ability to evaluate and measure population and density and so I'm not -- I'm not -- I'm not opposed to it, but I think we should have some further discussions about it.

SENATOR KISSEL: Okay. So if -- if you want to just let us know, I mean, if you want to have discussions with the Department of Corrections and just inform us or if you want to include me in that that's always appreciated.

The other recommendation regarding Bill 6684,

Next is Catherine Osten.

CATHERINE OSTEN: Hi.

REP. FOX: If you could just sit right in front of the microphone that's great. Thank you.

CATHERINE OSTEN: Thank you. My name is Catherine Osten, and I am a correctional lieutenant with approximately 19 years, almost 19 and a half years of experience in corrections. I'm the president of CSEA/SEIU Local 2001 rec -- representing 22,000 people, and also the president of the Corrections Supervisor's Council, which is a part of that local.

HB6342
HB6684

I'm testifying in favor of 6709, an act which prohibits the release of personnel files to the currently incarcerated. It allows for protection of personal information to those who use this information in an inappropriate fashion. This action has caused a great deal of stress for my members, both those who are subject of this asked-for access and those processing the FOI requests. It does not provide a need for the requestor, except for means to harass the employee and place an employee in a position which allows them to be at jeopardy for undue familiarity.

In addition, I testify in favor of 6685, an act which concerns reporting of data. This data will allow for better decision making by this body regarding staffing, training and other resources necessary for maintaining correctional facilities in safe and humane fashion. I would suggest that you add in the data collection for informal dispositions. It allows for some additional baseline testing on what may be going on in correctional facilities.

REP. GREEN: Thank you for your comments, because I think those issues that you bring -- that you brought up concerns me a lot on this particular bill, and I hope that this committee understands that. While we definitely -- and I definitely want to make sure that all individuals and our citizens, in particularly our correctional officers are safe, that this is too far reaching.

Thank you for your testimony.

COLLEEN MURPHY: I agree with you. Thank you, Representative Green.

REP. FOX: Thank you. Are there any other questions?

Thank you for your testimony.

COLLEEN MURPHY: Good evening.

REP. FOX: Next is Lloyd Coleman. How about David McGuire?

Good evening.

DAVID MCGUIRE: Good evening. Honorable Senators, and Representatives, my name is David McGuire. I am a staff attorney at the American Civil Liberties Union of Connecticut. I urge you to vote in favor of House Bill 6342, 6533, and 6685. These bills address many of the problems caused by Connecticut's overcrowded jails and prisons by mandating more effective infectious disease procedures and by adding oversight transparency.

As an ACLU of Connecticut attorney charged with monitoring the constitutionality of prison living conditions, I can personally attest to

the magnitude of the dangerous and unhealthy conditions stemming from the overcrowded conditions in DOC facilities. During the past two years, our offices have interviewed over 200 inmates in Connecticut.

The 8th Amendment to the United States Constitution requires that prisoners receive humane treatment including, but not limited to adequate shelter and medical care.

MRSA is an especially serious health concern of many people directly involved in our corrections system. MRSA and other inmate medical issues are exacerbated by overcrowding and limited resources shared by an increasing number of inmates. Cases of MRSA are widespread and persistent. I have personally interviewed inmates with MRSA scars, as well as weeping MRSA wounds.

In December 2007, our office expressed concern about MRSA in a letter to the DOC. Unfortunately, despite assurances by the DOC that MRSA is not a problem, the MRSA epidemic rages on. We are concerned about poor MRSA detection, which undoubtedly deflates the number of MRSA cases reported and leads to delays in providing adequate medical treatment.

We are also troubled about inappropriate medical advice such as encouraging inmates to pop puss sacs in the shower. It is clear that the DOC's current MRSA policies and procedures are inadequate.

We support House Bill 6342. However, this measure can benefit from stronger language or prevent the DOC from merely rehashing its current MRSA policy. The MRSA problem also serves an excellent example why the DOC needs an advisory commission to provide independent

review of DOC policies and practices. For this reason, we support House Bill 6533. Contrary to Commissioner Lantz's testimony, the minimal cost of an unpaid commission is a better alternative than costly overcrowding related lawsuits.

Finally, a number of inmates have reported an increase in tension and violence due to the lack of personal space, the lack of CO supervision and overtaxed bathroom facilities. Presently, it is difficult for the public to gauge the level of overcrowding and the increased violence due to a lack of transparency. We support House Bill 6685, because it will require the DOC to frequently report detailed statistics on violence indicators and inmate population and density. The reporting of more detailed prison violence and population statistics will allow the public and legislators to monitor the safety of inmates and custodial staff and to determine if overcrowding is under control.

While we are encouraged by the recent decline in the inmate population, we support the 5 percent reporting threshold in the bill instead of the 10 percent threshold requested by the Commissioner. There's no reason for the State to allow another emergency before providing oversight. These dangerous and unhealthy conditions in the DOC facilities are already being (inaudible.) These conditions also violate the DOC's own mission statement to provide safe, secure and humane supervision of the convicts.

Although these bills are not the answer to overcrowding, they go along way to increase public awareness, create accountability and open a dialog to resolve prison and jail overcrowding. Please vote in favor of House

Bill 6685, 6342 and 6533. Thank you.

REP. FOX: Thank you.

DAVID MCGUIRE: I've also submitted much longer testimony, and if anyone cares to read that and ask me questions, I'll be happy to (inaudible) in the future.

REP. FOX: We do have all of that and actually all of that will also be scanned and put online so we can see your testimony.

DAVID MCGUIRE: Great. I appreciate it.

REP. FOX: And I appreciate you're waiting here all day.

DAVID MCGUIRE: Fine, no problem.

REP. FOX: And you did a good job of getting it as close to three minutes as you could.

DAVID MCGUIRE: Thank you.

REP. FOX: Are there any questions from members of the committee?

Seeing none -- oh, Representative Green.

REP. GREEN: Just one question, you mentioned quite a bit in your testimony about prison overcrowdedness and then you did at the end say contrary to what the commission -- what the Commissioner stated. The Commissioner stated that she felt that the prisons were not overcrowded and that she had, I think, been given us some information on the total number of bed, the current population, and that, in fact, the population was, I think at 207 -- 2007 levels. So do you believe the prisons are overcrowded? And how would you define

overcrowdedness?

DAVID MCGUIRE: I can state definitively that the prisons are overcrowded. Over half the letters we've received at the ACLU are from inmates were complaining about overcrowded conditions. Overcrowding is not a new problem in Connecticut. In 2003, we sent inmates out of the state. Going back to 2007 levels that was a great -- great set of progress, and I'm very happy about it. And there have been some improvement in the conditions of the prisons, however, there are -- there are still a lot of inmates sleeping in common areas, hallways, gymnasiums, and although they -- the Commissioner calls those overflow areas and it sounds, you know, really clean, and like those areas are suited for that, they're not at all. For example, in Cybulski, a prison in Enfield-Somers area, multiple inmates have reported to us that there are beds at the end of every hallway, and they have lockers bolted into the walls. So those -- those are not temporary measures. But to add even more problems to that there's a tremendous amount of noise in the hallways. You can expect to -- that they have lights on for security purposes all night so there is overcrowding undoubtedly.

REP. GREEN: Thank you.

REP. FOX: Thank you.

Are there any other questions?

Thank you for your testimony.

Next is Jim Zucalo. No? How about Lynda Wilson?

LYNDA WILSON: Good evening. My name is Lynda Wilson. I'm from New Haven. I am part of

HB6533

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 19
5934 - 6284**

2009

Testimony in support of HB 6533: An Act Concerning a Department of Correction Advisory Commission
 Judiciary Committee Public Hearing, March 24, 2009

When there is some kind of crisis related to the prison system, the media and the politicians focus on it, and the public learns about it. Wouldn't it be better to have an ongoing independent body whose mission is to look at various aspects of our prison system **all during the year**? A Commission of this type, composed of both legislators and community representatives, would decide what areas to assess. They would file reports and suggest remedies and legislation when warranted.

Some areas of interest to the public that might be looked at on an ongoing basis by such a body are **Prison Health, Public Safety, and Rehabilitative Programs for Prisoners**.

What are some examples of public health information the public needs know?

We need to know the numbers of individuals with HIV and other serious ailments so that when people return to our communities, we know what help will be needed.

We need to know whether DOC, with over 19,000 inmates to take care of, is able to handle individuals' medical needs in a timely fashion so that care is cost-effective, and all staff and inmates are protected from dangerous contagious diseases. As for mental health and drug treatment, we need to know how many people are re-entering our communities who did not actually get treatment inside, or not enough treatment, because DOC was not able to provide it to the large number of inmates who needed it.

Safety concerns are of course very important to the public. DOC has no choice but to accept whatever number of prisoners are sent by the courts. Family members want to know if overcrowding is endangering employees as well as inmates. Are there really adequate bed and sanitary facilities everywhere?

Another safety concern is gangs that develop inside. The public needs to know where these groups will be going when they leave prison. Is there any kind of re-entry assistance specifically focused on gang members, to try to promote better outcomes when they return to society, and which communities should know about?

Programming is another important area. How many incarcerated individuals are only on waiting lists for educational, job-training and rehabilitative programs that would have been helpful to them when they are released, had they been able to get into these programs? What is needed to enable everyone to get into useful programs?

Any state agency receiving millions of taxpayer dollars should be very transparent, and that means an **independent entity** specifically authorized to take a look. In some cases an outside body might expose problems that need fixing; in other cases they could assist DOC in getting more attention to and funding for areas of need. In the long run, everyone would be better off.

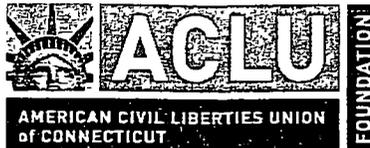
Theresa Lantz, the current Commissioner of Department of Correction, has added Preparation for Reentry into the Community to the mission statement of DOC, and we commend her for it. But the public still needs to know how the program is being carried out and whether it is leading to successful transitions. Although some directors of agencies may believe that they will not be able to do their job well if outsiders are observing them, we believe that if an agency is working smoothly, transparency should be no detriment; in fact, an outside entity could be very helpful in advocating for more funding for positive but under-supported activities and needs of an agency. That is why I, and my organization in New Haven, People Against Injustice, are supporting HB 6533 to create a DOC Advisory Commission. Knowledgeable community members, plus advocates for African-Americans & Latinos, Women, and Persons with Disabilities (some of whose constituents are either incarcerated or employed by DOC), will join with elected officials to create the kind of independent body of observers that every state's taxpayers deserve. Connecticut can become a model, as it often is, for other states to emulate.

I also support the following bills which relate to the tasks of a DOC Advisory Commission: HB 6685, which requires prison facility data; HB 6704 and SB 543, which will reduce the incarcerated population; HB 6031 and SB 537, which will prevent recidivism; SB 349 and HB 6581, which will reduce the number of people going to prison.

Sally Joughin

Sally Joughin

14 Everit St, New Haven 06511 - peopleagainstinjust@earthlink.net, 203-787-5262



AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY
COMMISSION HB 6533

AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY
AND CORRECTIONAL FACILITY SPECIFIC DATA HB 6685

Honorable Chairman, Senators, and Representatives, my name is David McGuire. I am a staff attorney at the American Civil Liberties Union of Connecticut and I urge you to vote in favor of House Bill 6533, AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY COMMISSION and House Bill 6685, AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY AND CORRECTIONAL FACILITY SPECIFIC DATA. Both of these bills address Connecticut's overcrowded jails and prisons by adding oversight and transparency.

As the ACLU-CT attorney charged with monitoring the constitutionality of prison living conditions, I can personally attest to the magnitude of the dangerous and unhealthy conditions stemming from the overcrowded conditions in Department of Correction ("DOC") facilities. During the past two years, our office has interviewed over two hundred inmates in Connecticut. Over half of the letters we receive are from inmates in DOC facilities reporting a number of deprivations created by overcrowding. We are especially concerned because the rate of letters is increasing and the severity of the conditions is worsening.

The Eighth Amendment to the U.S. Constitution requires that prisoners receive humane treatment including but not limited to adequate food, clothing, shelter, and medical care. Over twenty-five years ago, the Second Circuit Court of Appeals ruled that the overcrowded conditions in the Hartford Community Corrections Center violated the constitutional rights of both pre-trial detainees and sentenced inmates. The conditions at that time included double-bunking, overcrowded day rooms, and inmates sleeping on floors which led to heightened security concerns. We are currently receiving reports of conditions that are much worse than those litigated in the past. Without action, the state of Connecticut is likely exposing itself to costly liability.

The DOC often argues that inmates are being housed in "overflow areas" on "temporary beds." "Temporary beds" or "boats" as inmates call them are plastic beds that sit just inches off the floor. Further, the "boats" are often in close proximity to each other, in some cases as close as six inches apart. "Overflow areas" are not areas designed for the housing of inmates as the designation might suggest. Numerous inmates have reported that they (and hundreds of inmates) are being housed in non-housing "overflow" areas, including gymnasiums, hallways, dayrooms, visitation rooms and chow halls. There are

reports that these conditions are not temporary. In fact, in some facilities permanent lockers have been bolted to the walls in hallways where inmates are housed. Without action costly lawsuits are likely.

We support House Bill 6533, AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY COMMISSION. The creation of a DOC advisory commission is essential to provide independent review of DOC policies and practices. The proposed advisory commission is promising because of the proposed members and scope of the commission's mandate. The proposed membership includes eight public members including two ex-offenders, two family members of current or ex-offenders and two community advocates. This presents an excellent opportunity and a formal setting for the DOC to interact with the public and understand its concerns. Additionally, the commission will work on important topics including the safety of prisoners, staff, and the public. It will also address overall prison conditions, health, and nutrition.

A number of inmates report increased tension and violence. This is due to the close quarters, lack of personal space, lack of correctional officer supervision, and overtaxed bathroom facilities. Increase in theft due to a lack of locked storage space has led to increased levels of tension and violence. The increased number of inmates makes it difficult for corrections officers to maintain security and safety. The DOC should not wait until these conditions foster riots before remedying the situation. Presently, it is difficult for the public to gauge the level of overcrowding and the increase in violence due to a lack of transparency. The ACLU-CT supports House Bill 6685, AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY because it will require the DOC to report disciplinary reports, inmate assaults, and workers' compensation claims for each prison during each calendar quarter. The reporting of more detailed prison violence statistics will allow the public and legislators to monitor the safety of inmates and custodial staff. This bill will also require the DOC to report quarterly data on the average number of inmates, the average number of permanent beds, and the average inmate population density at each facility. The availability of more detailed and current inmate population data will allow the public and legislators to see if overcrowding is under control. Last, but possibly most important, if any of the inmate violence or population statistics increase by more than five percent from the preceding calendar quarter or from the same calendar quarter for the preceding fiscal year, the Commissioner of Correction is required to explain the increase and describe the measures to be taken to address the increase. This is vital because it mandates DOC accountability to the public and the legislature.

These dangerous and unhealthy conditions in DOC facilities are inhumane. These conditions violate the DOC's own Mission Statement to "provide safe, secure, and humane supervision of offenders" and is inapposite to the U.S. Constitution. Overcrowding causes violence and tension, and dilutes the availability and quality of constitutionally required protections and conditions. The cumulative effect of overcrowding at DOC facilities is to deny inmates and pre-trial detainees an environment fit for human habitation, and make the state vulnerable to costly lawsuits. Although these bills are not the answer to overcrowding, they go a long way to increase public

awareness, create accountability, and open a dialog to resolve prison and jail overcrowding. Please vote in favor of House Bill 6533, AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY COMMISSION and House Bill 6685, AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY AND CORRECTIONAL FACILITY SPECIFIC DATA.

I welcome your questions regarding the problems we have seen related to prison overcrowding and how this body can continue to mitigate them.



State of Connecticut
HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE KAREN JARMOC
 FIFTY NINTH ASSEMBLY DISTRICT

33 SCHOOL STREET
 ENFIELD, CT 06082
 HARTFORD, CT 06106-1591
 HOME (860) 749-0431
 CAPITOL (860) 240-8585
 TOLL FREE (860) 842-8267
 E-mail Karen.Jarmoc@cga.ct.gov

MEMBER
 EDUCATION COMMITTEE
 HUMAN SERVICES COMMITTEE
 PUBLIC SAFETY AND SECURITY COMMITTEE

March 24, 2009

Testimony in Support of HB-6684, HB-6685, and HB-6709

Good afternoon Rep. Lawlor, Sen. MacDonald and other members of the Judiciary Committee. I am here today to speak in support of Raised Bill No. 6684 An Act Establishing A Correctional Staff Health and Safety Subcommittee of the Criminal Justice Policy Advisory Commission. Additionally, I am here to support Raised House Bill No. 6685 An Act Concerning The Reporting of Inmate Population Density and Correctional Facility Specific Data.

Both of these measures are recommendations of the legislature's Prison Population and Correctional Staff Safety Task Force. This task force was established in July 2008 by House Speaker James A. Amann in response to a heightened number of inmate assaults upon correctional staff which were occurring in the spring of 2008 as well as a sharp upswing in the prison population since the summer of 2007.

This bipartisan Task Force, which also had representation by the Department of Corrections and correctional staff, was charged with evaluating health and safety standards for staff in the State's correctional facilities and making recommendations consistent with its findings.

Ultimately, the committee found that inmate on staff assaults increased over the past two years to a level that is not at a historic high, but a significant enough increase to call for concern. Of additional interest was the Department of Corrections current collection of data and documentation policies as they relate to inmate assaults on staff. More specifically, assaults of a very dangerous and volatile nature are being documented by the department in such a way that it does not necessarily reflect the significant nature of the incident.

A subcommittee within the already established Criminal Justice Policy Advisory Commission would provide for needed and continual oversight as it relates to the health and safety of correctional staff. As you can see from the bill, the subcommittee shall review the policies and procedures of the DOC with respect to staff health and safety to include:

- How inmate assaults are investigated, classified, and assigned points,
- How data on inmate assaults is collected and compiled, and
- How data on inmate assaults is reported to persons and agencies outside the department.

In regard to Raised Bill No. 6685 An Act Concerning The Reporting of Inmate Population Density and Correctional Facility Specific Data, this initiative addresses the issue of how we measure prison overcrowding. Ultimately, this legislation is aimed at assisting policy makers to determine whether or not there is a relationship between population levels and inmate assaults upon staff.

And finally, I would like to express support for HB 6709 An Act Concerning the Department of Correction. I specifically support a measure in the bill which would prohibit the disclosure of employee files to inmates and also language that would require that the Department of Correction be notified when a request has been made to a public agency for disclosure of information about a facility.

Thank you very much. I would be happy to answer any questions.

Judiciary Committee
Public Hearing

March 24, 2009

Testimony of Theresa C. Lantz, Commissioner, Department of Correction

Good afternoon, Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. I am Theresa Lantz, Commissioner for the Department of Correction and submit this testimony on the following bill:

**Raised Bill No. 6685 An Act Concerning the Reporting of Inmate Population
Density and Correctional Facility Specific Data**

The Department has no objection to Raised Bill No. 6685, which would require the DOC to expand upon the information it currently provides to the Governor and Legislature. However, in Section 1 (b) (2) the more realistic and meaningful facility density threshold should be 10% instead of 5%.

Thank you for your consideration of the Department's views on Raised Bill No. 6685.