



General Assembly

February Session, 2018

**Governor's Bill No. 13**

LCO No. 394



Referred to Committee on JUDICIARY

Introduced by:

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

REP. RITTER M., 1<sup>st</sup> Dist.

**AN ACT CONCERNING FAIR TREATMENT OF INCARCERATED WOMEN.**

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

- 1 Section 1. (NEW) (*Effective October 1, 2018*) (a) The Commissioner of  
2 Correction shall ensure that at least one licensed departmental or  
3 contracted health care provider who is employed at the York  
4 Correctional Institution (1) has been trained in prenatal and  
5 postpartum medical care, and (2) has knowledge of and the ability to  
6 educate any inmate who is pregnant concerning prenatal nutrition,  
7 high-risk pregnancy, and addiction and substance abuse during  
8 pregnancy and childbirth.
- 9 (b) Upon admission to the York Correctional Institution, while  
10 awaiting trial or after sentencing, each inmate shall be assessed for  
11 pregnancy by a licensed health care provider. The licensed health care

12 provider shall inform the inmate of any necessary medical tests  
13 associated with the pregnancy assessment prior to the administration  
14 of such tests.

15 (c) The York Correctional Institution shall provide each inmate who  
16 is pregnant with: (1) Counseling and written material, in a form that  
17 may be reasonably understood, concerning (A) the inmate's options  
18 with regard to her pregnancy, (B) prenatal nutrition, (C) maintaining a  
19 healthy pregnancy, (D) labor and delivery, (E) the postpartum period,  
20 and (F) the institution's policies and practices regarding the care of an  
21 inmate who is pregnant throughout her pregnancy, during labor and  
22 delivery and during the postpartum period, (2) medical care at the  
23 correctional facility, which shall include, but not be limited to: (A)  
24 Periodic health monitoring and evaluation during pregnancy, and (B)  
25 prenatal vitamins or supplements, as deemed necessary by a licensed  
26 health care provider, (3) a diet containing the nutrients necessary to  
27 maintain a healthy pregnancy, as determined by a licensed health care  
28 provider trained in prenatal care, (4) the clothing, undergarments and  
29 sanitary materials deemed appropriate by a licensed health care  
30 provider who has been trained in prenatal and postpartum medical  
31 care, (5) the opportunity for a minimum of one hour of ambulatory  
32 movement every day, and (6) access to treatment for postpartum  
33 depression by a qualified mental health professional, provided such  
34 treatment is deemed necessary by a licensed health care provider who  
35 has been trained in postpartum medical care.

36 (d) Except as provided in this subsection, correctional staff of the  
37 York Correctional Institution shall not use any leg or waist restraint on  
38 any inmate of the institution who has been determined to be pregnant  
39 or in the postpartum period by a licensed health care provider. The  
40 correctional staff of the York Correctional Institution shall ensure that  
41 any inmate, who is determined to be in the second or third trimester of  
42 a pregnancy by a licensed health care provider, is transported to and  
43 from visits to health care providers and court proceedings in a vehicle  
44 with seatbelts. A pregnant inmate may only be restrained using

45 handcuffs that are placed on the wrists held in front of the inmate's  
46 body unless there are compelling grounds to believe that an inmate  
47 presents (1) an immediate and serious threat of harm to herself, staff  
48 and others; or (2) a substantial flight risk and cannot be reasonably  
49 contained by other means, in which case an inmate may be placed in  
50 wrist, leg or waist restraints. Such restraints shall be the least  
51 restrictive kind of restraints considering the circumstances.  
52 Correctional staff shall document, in writing, the reasons for such  
53 determination, the kind of restraints used and the reasons staff  
54 considered such restraints to be the least restrictive kind available and  
55 the most reasonable means of preventing harm or escape. If an  
56 attending physician or advanced practice registered nurse requests  
57 that the inmate's restraints be removed for medical reasons,  
58 correctional staff shall immediately remove the restraints. Nothing in  
59 this subsection shall prohibit the use of medical restraints by a licensed  
60 health care provider to ensure the medical safety of the inmate. As  
61 used in subsections (d) and (e) of this section, "restraints" means metal  
62 handcuffs, metal leg restraints and waist and tether chains.

63 (e) Each pregnant inmate of the York Correctional Institution shall  
64 receive labor and delivery services in a hospital deemed appropriate  
65 by a departmental or contracted, licensed health care provider.  
66 Notwithstanding the provisions of subsection (d) of this section, an  
67 inmate who is in any stage of labor or delivery, as determined by a  
68 licensed health care provider, shall not be placed in restraints at any  
69 time, including, but not limited to, during transportation to the  
70 hospital. If a correction officer is present with the inmate during any  
71 stage of labor or delivery, such correction officer shall be female, if  
72 possible. Such correction officer shall be positioned in a location that  
73 ensures the inmate's privacy, to the extent possible.

74 (f) Any inmate in the postpartum period shall be assessed by a  
75 licensed health care provider upon return to the correctional facility.  
76 Each inmate in the postpartum period shall be housed in a medical or  
77 mental health housing unit at the correctional facility until discharged

78 by a licensed health care provider.

79 (g) The York Correctional Institution shall provide a pregnant  
80 inmate, prior to the inmate's release, with counseling and discharge  
81 planning to ensure, to the extent feasible, the continuity of prenatal  
82 and pregnancy-related care, including substance abuse programming  
83 and treatment referrals when deemed appropriate.

84 Sec. 2. (NEW) (*Effective October 1, 2018*) (a) The Department of  
85 Correction shall establish prenatal, labor, and postpartum services and  
86 supports for women incarcerated at the York Correctional Institution.  
87 Such services and supports shall include, but need not be limited to, a  
88 lactation policy that provides inmate mothers the opportunity to pump  
89 and store breast milk for their babies and a neonatal intensive care unit  
90 visit policy that makes reasonably regular visits available to inmate  
91 mothers whose babies require specialized care after birth.

92 (b) The Department of Correction shall establish and make available  
93 to women incarcerated at the York Correctional Institution parenting  
94 support literature, including information on child custody processes,  
95 child support and family reunification resources.

96 Sec. 3. (NEW) (*Effective October 1, 2018*) Correctional staff at York  
97 Correctional Institution shall, upon request, provide an inmate at the  
98 institution with feminine hygiene products as soon as practicable.  
99 Correctional staff shall provide such feminine hygiene products for  
100 free and in a quantity that is appropriate to the health care needs of the  
101 inmate. For purposes of this section, "feminine hygiene products"  
102 means tampons and sanitary napkins.

103 Sec. 4. (NEW) (*Effective October 1, 2018*) The Commissioner of  
104 Correction shall establish visitation policies for any inmate who is a  
105 parent to a child under the age of eighteen. Such policies shall include,  
106 but need not be limited to, rules regarding: (1) Physical contact, (2)  
107 convenience and frequency of visits, and (3) access to child-friendly  
108 visiting areas.

109 Sec. 5. (NEW) (*Effective October 1, 2018*) All inmates shall be  
110 permitted to shower, perform bodily functions and change clothes  
111 without nonmedical staff of the opposite gender viewing their breasts,  
112 buttocks or genitalia, except in exigent circumstances or when such  
113 viewing is incidental to a routine cell check. Staff of the opposite  
114 gender shall announce their presence when entering an inmate  
115 housing unit when no other staff of the opposite gender is present.

116 Sec. 6. Section 18-81z of the general statutes is repealed and the  
117 following is substituted in lieu thereof (*Effective October 1, 2018*):

118 The Department of Correction, the Board of Pardons and Paroles  
119 and the Court Support Services Division of the Judicial Branch shall  
120 develop a risk assessment strategy for offenders committed to the  
121 custody of the Commissioner of Correction that will (1) utilize a risk  
122 assessment tool that accurately rates an offender's likelihood to  
123 recidivate upon release from custody, and (2) identify the support  
124 programs that will best position the offender for successful reentry into  
125 the community. Such strategy shall incorporate use of both static and  
126 dynamic factors and utilize a gender-responsive approach that  
127 recognizes the unique risks and needs of female offenders. In the  
128 development of such risk assessment strategy, the department, board  
129 and division may partner with an educational institution [in this state]  
130 that has expertise in criminal justice and psychiatry to evaluate risk  
131 assessment tools and customize a risk assessment tool to best meet the  
132 state's needs. On or before January 1, 2009, and annually thereafter, the  
133 department, board and division shall report to the Governor and the  
134 joint standing committee of the General Assembly on judiciary, in  
135 accordance with section 11-4a, on the development, implementation  
136 and effectiveness of such strategy.

137 Sec. 7. Subsection (b) of section 18-96a of the general statutes is  
138 repealed and the following is substituted in lieu thereof (*Effective*  
139 *October 1, 2018*):

140 (b) (1) The Department of Correction [shall, within available  
141 appropriations,] may develop a program for custodial staff members  
142 to receive not less than four hours and not more than eight hours of  
143 training on mental health issues each year. [Such training shall consist  
144 of classroom instruction and written materials provided by a qualified  
145 mental health professional in conjunction with a training academy  
146 accredited by the American Correctional Association, and] Within  
147 available appropriations, such training shall include, at a minimum:  
148 (A) Prevention of suicide and self-injury; (B) recognition of signs of  
149 mental illness; (C) communication skills for interacting with inmates  
150 with mental illness; and (D) alternatives to disciplinary action and the  
151 use of force when dealing with inmates with mental illness. Such  
152 program shall be offered: (i) Commencing on July 1, 2009, to all  
153 custodial staff members at one or more correctional facilities  
154 designated by the Commissioner of Correction; (ii) on and after July 1,  
155 2010, to all custodial staff members at one or more additional  
156 correctional facilities designated by the commissioner; and (iii) on and  
157 after July 1, 2011, to all custodial staff members at one or more  
158 additional correctional facilities designated by the commissioner. [Such  
159 program shall terminate on July 1, 2012.]

160 (2) [In] On and after October 1, 2018, in addition to the requirements  
161 of subdivision (1) of this subsection, all custodial staff members at each  
162 correctional facility of the Department of Correction in which female  
163 inmates are confined [may, during the fiscal year ending June 30, 2008,  
164 and] may, within available appropriations, receive not less than four  
165 hours and not more than eight hours of training on [mental health  
166 issues, including] gender-specific and trauma-related mental health  
167 issues faced by female inmates.

168 Sec. 8. (NEW) (*Effective October 1, 2018*) On or before October 1, 2108,  
169 the Department of Correction shall develop and implement a policy  
170 regarding the safety and protection of transgender inmates. Such  
171 policy shall comply with the federal Prison Rape Elimination Act of  
172 2003, 34 USC 30301, et seq., as amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>October 1, 2018</i>	New section
Sec. 3	<i>October 1, 2018</i>	New section
Sec. 4	<i>October 1, 2018</i>	New section
Sec. 5	<i>October 1, 2018</i>	New section
Sec. 6	<i>October 1, 2018</i>	18-81z
Sec. 7	<i>October 1, 2018</i>	18-96a(b)
Sec. 8	<i>October 1, 2018</i>	New section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*