



State of Connecticut
Office of Governor Ned Lamont

BILL NOTIFICATION 2021-22

June 30, 2021

Governor Lamont signed the following legislation of the 2021 Regular Session on June 30:

HB 6302 SA 21-16	AN ACT STUDYING THE CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS.
SB 759 SA 21-17	AN ACT CONCERNING GENDER NEUTRALITY IN THE STATE CONSTITUTION.
HB 5088 SA 21-18	AN ACT REQUIRING THE PAYMENT OF A REWARD TO PATRICIA "PIDGIE" D'ALLESSIO.
HB 6494 PA 21-101	AN ACT CONCERNING THE DOWN PAYMENT ASSISTANCE PROGRAM, AFFORDABILITY INCENTIVE ZONES AND BONDS OF BOARD MEMBERS AND OTHER EMPLOYEES OF THE CONNECTICUT HOUSING FINANCE AUTHORITY.
HB 6594 PA 21-102	AN ACT CONCERNING THE CRIMINAL JUSTICE PROCESS.
HB 6657 PA 21-103	AN ACT CONCERNING HUMAN TRAFFICKING.
HB 5737 PA 21-105	AN ACT ESTABLISHING A VETERANS AND MILITARY TOURISM TRAIL.
SB 261 PA 21-106	AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES, REVISIONS TO THE MOTOR VEHICLE STATUTES AND PEER-TO-PEER CAR SHARING.
SB 660 PA 21-107	AN ACT EXPANDING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY HEALTH CARE PROVIDERS IN CONNECTION WITH COVID-19.
SB 1011 PA 21-108	AN ACT CONCERNING THE USE OF OPIOID ANTAGONISTS AND EPINEPHRINE CARTRIDGE INJECTORS BY POLICE OFFICERS.

SB 1023
PA 21-109

AN ACT CONCERNING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

HB 6690
PA 21-111

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES, ESTABLISHING THE COMMUNITY INVESTMENT FUND 2030 BOARD, AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND MAKING REVISIONS TO THE SCHOOL BUILDING PROJECT STATUTES.

HB 6402
PA 21-132

AN ACT CONCERNING HIGHER EDUCATION.

Governor Lamont vetoed the following legislation of the 2021 Regular Session on June 30:

SB 1059
PA 21-110

AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, THE USE OF ISOLATED CONFINEMENT, SECLUSION AND RESTRAINTS, SOCIAL CONTACTS FOR INCARCERATED PERSONS AND TRAINING AND WORKERS' COMPENSATION BENEFITS FOR CORRECTION.

Governor Lamont's veto message can be found on page 3 of this document.

As of this date, the governor has signed one hundred thirty (130) bills and vetoed one (1) bill of the 2021 Regular Session. He has also signed two (2) bills of the June 2021 Special Session.



Ned Lamont
GOVERNOR
STATE OF CONNECTICUT

June 30, 2021

The Honorable Denise W. Merrill
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

I hereby return, without my signature, Senate Bill 1059, *An Act Concerning the Office of the Correction Ombuds, the Use of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Correction.*

I fully support the purpose of this legislation, to make certain that isolated confinement is not used in any correctional facility in Connecticut. Under my directive today, the Commissioner of Correction will increase out of cell time for all incarcerated individuals, including those individuals in restrictive statuses, and he will do so well before the effective dates of this bill. But he will also do so in a manner that prioritizes the safety of people in the Department of Correction's custody and Department employees who are not only correction officers but also teachers, chaplains, medical staff, mental health counselors, and addiction counselors.

Specifically, I am today issuing an executive order to the Department of Correction to institute policies that limit how long an incarcerated person may be held with severely restricted out of cell time (i.e., isolated confinement) in Connecticut correctional facilities. Currently, incarcerated persons in restrictive status programs and disciplinary status may be held in isolated confinement. Under my order, the use of isolated confinement in restrictive status programs must end. Outside of disciplinary status or extraordinary circumstances, the Department must allow incarcerated people at least four hours of out-of-cell time each day, and the use of isolated confinement in disciplinary status must be limited to fifteen days and allow at least two hours of out-of-cell time each day. These rules, which are stronger than both the United Nations' Mandela Rules and progressive policies and laws instituted in other states, will be implemented across all Department of Correction facilities within 150 days. The executive order also directs the Commissioner to file a report within 90 days that outlines the steps taken and to be taken to increase contact visits and decrease the use of in-cell restraints.

I am not signing this legislation because, as written, it puts the safety of incarcerated persons and correction employees at substantial risk.

This legislation places unreasonable and dangerous limits on the use of restraints. The bill as written only permits correctional officers with the rank of captain or higher to order the use of handcuffs and only permits therapists to order restraints during a psychiatric emergency.

These restrictions apply regardless of the circumstances, including whether the incident is inside or outside a cell. As a practical matter, captains are not always supervising wings of correction facilities and may not be on duty over weekends. To require that a correctional officer wait for the authorization of a captain to restrain an incarcerated person involved in a serious physical altercation risks the lives of incarcerated persons and correction employees.

The bill sets a limit of 72 hours during any 14-day period that an incarcerated person may be limited to less than 6.5 hours out of cell each day. That out-of-cell time and discipline limitation is far out of line with what has been successfully implemented in any other state. For example, if an individual is placed in isolated confinement for 72 hours, returns to the general population, and slashes the throat of a cell mate, under this legislation, the Department of Correction could not immediately place the incarcerated person back into isolated confinement, even as a temporary, emergency measure. Although I do support the "Stop Solitary" movement, I do not support these arbitrary limits on the Department's ability to protect the incarcerated population.

The legislation also creates a safety risk by failing to provide the Department with flexibility to limit visitors who are allowed in the facilities for contact visits with an incarcerated person. Under this legislation, the Department cannot deny a contact visit solely based on the visitor's criminal history. Thus, an individual convicted of multiple violent crimes or of smuggling drugs into a correctional facility would be allowed into a facility for a 60-minute contact visit with an incarcerated person. Contact visits present heightened risk for transfer of contraband, including drugs or weapons, into the facility. The Department must have the ability to set reasonable visitation policies that promote family and community connections, while limiting safety and security risks.

Finally, the bill makes certain changes to the Ombuds program that create security and litigation risks. The bill gives the ombuds person access to Department records, "notwithstanding any provision of the general statutes concerning the confidentiality of records and information." Current statutes protect the safety of incarcerated persons and correctional employees by making the Department responsible for limiting the disclosure of sensitive records that could lead to security breaches. There is nothing in this bill requiring the ombuds person to assume the same duty. The bill as written also puts into question whether the ombuds person could access and then disclose records protected by the attorney-client and work product privileges.

For these reasons, I disapprove of Senate Bill 1059, *An Act Concerning the Office of the Correction Ombuds, the Use of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Correction*. Pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut, I am returning Senate Bill 1059 without my signature.

Sincerely,



Ned Lamont
Governor