PA 25-161—sSB 1541
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, DISCLOSURE OF DISCIPLINARY MATTERS OR ALLEGED MISCONDUCT BY A DEPARTMENT OF CORRECTION EMPLOYEE, USE OF FORCE AND BODY CAMERAS IN CORRECTIONAL FACILITIES AND CRIMINAL HISTORY RECORDS

SUMMARY: This act 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 makes recommendations to the Department of Correction (DOC). Among other things, the act:

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 (§ 1);
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 administer oaths and, if an attorney, issue subpoenas to compel testimony and document production in investigations;
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 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).

Regarding correction officer use of force, the act (1) requires reporting to a higher authority when an officer witnesses or is aware of another officer using objectively unreasonable, excessive, or illegal force; (2) establishes certain rights for officers to review incident recordings; and (3) requires DOC to develop a plan to implement the use of body-worn recording equipment in correctional facilities.

The act changes the process by which the Department of Emergency Services and Public Protection (DESPP) processes certain requests for erasure of criminal records and requires, for FY 26, a waiver of the criminal history record information search or fingerprint search fees for certain individuals with erased information appearing in prior searches.

Lastly, the act requires the disclosure of certain DOC employee disciplinary documents if the state's freedom of information laws (FOIA) require it, even if an employee collective bargaining agreement or arbitration award approved on or after

June 30, 2025, would prohibit disclosure. It also prohibits DOC employee collective bargaining agreements or arbitration awards entered into on or after June 30, 2025, from having provisions that prevent the disclosure of certain disciplinary records.

EFFECTIVE DATE: Upon passage, except the (1) criminal history record provisions are effective July 1, 2025; (2) correction officer use of force, recording review, and body-worn camera provisions are effective October 1, 2025; and (3) case list publishing requirement is effective January 1, 2026.

§§ 2 & 3 — CORRECTION OMBUDS

Office Budget (§ 2)

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 act 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).

Duties (§§ 2 & 3)

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 act requires that he be able to receive them by telephone and email, which must be at no cost to the incarcerated individual.

Oral and written communications and records about the communications between an incarcerated individual and the ombuds' office are generally confidential and exempt from FOIA under existing law. The act expands this confidentiality to also apply to survey responses and communications and records between the office and a DOC employee. However, it requires the ombuds to immediately disclose to the DOC commissioner 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 (1) information with the incarcerated individual's consent and (2) general findings or policy recommendations without individually identifiable information. Under the act, 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, he must notify the DOC commissioner or an administrator

at the facility housing the alleged perpetrator about the nature and target of the act or threat. The act requires this notification to be immediate.

Lastly, the act eliminates a requirement for the ombuds to give DOC enough information to respond to his inquiries or to carry out recommendations and prohibiting DOC from further disclosing this information.

Hearings. The act 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 act requires the incarcerated individual's hearing appearance to occur at the facility where the individual is incarcerated.

Investigations. By law, the ombuds has the authority to investigate complaints from incarcerated individuals. The act specifies that he is not required to do so if he determines it is not warranted and, if that is the case, requires him to inform the person who made the complaint about his decision in writing.

At the end of an investigation, the act also 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, the ombuds must consult with DOC, or the employee or the employee's bargaining unit representative, as applicable.

Under the act, the decision must include findings for 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 act 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 complainant's family who is identified to the ombuds or (2) Judiciary Committee's chairpersons and ranking members.

The act requires DOC, if the ombuds asks and within a timeframe agreed upon by DOC and the ombuds, 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 then inform the complainant about any responding DOC action.

Oaths. The act 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 act allows the correction ombuds, if an attorney licensed to practice in Connecticut, to issue subpoenas to compel (1) witness attendance for

providing testimony or (2) production of documents such as books or papers.

Under the act, a person must have at least 15 days after receiving a subpoena to comply with it. The person may object to the subpoena by serving the ombuds with a written objection and filing it in Hartford Superior Court, but must do so by the compliance date.

If the person does not object or appear, appears but refuses to testify, or does not produce the required evidence, the act allows the ombuds to apply to Hartford Superior Court for an order requiring compliance.

Ombuds Services (§ 2)

Receiving Complaints. The act 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 act requires that all measures be taken to ensure there is no risk or credible fear of retaliation against those who submit complaints.

Under the act, these complaints are not part of (1) DOC's administrative grievance or appeal process or (2) the administrative exhaustion process.

The act 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 make site visits at DOC correctional facilities. The act 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 during an emergency. Under the act, an emergency is (1) a situation that puts the facility's safety or security or DOC staff 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 act 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 act, surveys do not need prior approval by DOC, but those sent or distributed to employees must first be made available for review and comment by the bargaining units that represent them.

Litigation. Prior law required the ombuds to exhaust all other resolution methods before initiating litigation. The act instead prohibits the ombuds from instituting litigation and makes conforming changes.

§ 5 — CORRECTION OFFICER USE OF FORCE

Required Reporting and Intervention

The act 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 force to report it as soon as practicable to the facility warden, who must then immediately report it to the DOC commissioner and the State Police. Previously, the witnessing correction officer had to report the incident to his or her supervisor, who then had to 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.

Existing law, unchanged by the act, 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 act specifies that "use of force," for the above reporting purposes, is the physical or deadly physical force a correction officer uses to compel an incarcerated person 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 act 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) other 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's chairpersons and ranking members.

Body-Worn Recording Equipment Plan

The act requires the DOC commissioner to develop a plan to use body-worn recording equipment in correctional facilities, which must have recommendations for any needed legislation and budgetary resources and an 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.

§§ 7 & 8 — CRIMINAL HISTORY RECORD ERASURE

Process for Challenging Non-Erasure

Existing law prescribes how records of most misdemeanor convictions and certain felony convictions may be erased. Generally, it provides for (1) automatic erasure for eligible offenses that occurred on or after January 1, 2000, or (2) erasure upon the person's filing of a petition for offenses occurring before then.

The law provides a process for someone to challenge the non-erasure of their records under the provisions on automatic erasure after a specified period post-conviction. Prior law required someone who believed that their records should have been erased under these provisions to give DESPP a copy of their criminal history record information search, showing that the records were not marked erased. The act instead requires the individual to submit an application on a DESPP-established form.

Prior law made all these requests subject to a contested hearing. The act limits the hearing to only cases in which DESPP determines relief cannot be immediately granted. It requires DESPP, if there must be a hearing, to give the applicant any criminal history record information it will consider to adjudicate the application at least 15 days before the hearing. Under the act, DESPP must issue written notice of its determination within 15 days after the hearing. By law, these determinations are final decisions and appealable to Superior Court.

Fee Waiver for Criminal History Record or Fingerprint Searches

The act requires DESPP, for FY 26, to waive the $75 fee for a criminal history record information or fingerprint search for an individual (1) whose criminal history record information was required by law to be erased and (2) who shows through sufficient evidence that he or she submitted and paid for a prior information or fingerprint search that included erased records. But it limits this fee waiver to two times per person.

§ 4 — COLLECTIVE BARGAINING AGREEMENTS OR AWARDS

The act requires the disclosure of documents on disciplinary matters or alleged misconduct by a DOC employee if required by FOIA, even if a state employee collective bargaining agreement or arbitration award would prevent disclosure. The act specifies that it does not lessen a bargaining agent's access to information state law already allows.

The act also bans collective bargaining agreements or arbitration awards by the state and DOC collective bargaining units from prohibiting disclosure of a disciplinary action based on a violation of the administrative directives in a correction officer's personnel file.

These provisions only apply to applicable agreements or awards approved or entered into on or after June 30, 2025.