

Regulations of Connecticut State Agencies

TITLE 18. Correctional Institutions & Department of Corrections

Agency

Department of Correction

Subject

Department Organization and its General Course of Method and Operation

Inclusive Sections

§§ 18-81-1—18-81-56

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Department Organization and its General Course of Method and Operation

Sec. 18-81-1. Commissioner of correction and deputies

(a) The Department of Correction operates under the direction of the Commissioner of Correction who is appointed by the Governor. The Commissioner is responsible for the administration, coordination and control of the operations of the Department of Correction and for the overall supervision and direction of all institutions, facilities and activities of the Department and pre-sentenced and sentenced inmates. The Commissioner is assisted in the discharge of his statutory duties by two deputy commissioners and a director: the Deputy Commissioner of Operations; Deputy Commissioner of Programs; and the Director of Security.

(b) The Deputy Commissioner of Operations supervises the overall operation of the Department's correctional facilities, community directed programs, engineering services and fiscal operations.

(c) The Deputy Commissioner for Programs supervises the Department's health services, human resources, offender classification, educational services, training and staff development, research and management information systems, and offender programs.

(d) The Director of Security supervises tactical operations, investigation and intelligence functions, correctional emergency response teams, standards, policy and audit functions, public information and external liaison, and field operations including canine and remand functions.

(Effective February 22, 1979; Amended July 28, 1997)

Sec. 18-81-2. Institutions and facilities

Among the institutions and facilities administered by the Department of Correction are: Alexander Cybulski Correctional Institution; Bridgeport Correctional Center; Brooklyn Correctional Institution; Carl Robinson Correctional Institution; Cheshire Correctional Institution; Daniel Webster Correctional Institution; Ellis R. MacDougall Correctional Institution; Enfield Correctional Institution; Francis H. Maloney Center for Training and Staff Development; Haddam Facility; Hartford Correctional Center; Janet S. York Correctional Institution; J. B. Gates Correctional Institution; Litchfield Facility; John R. Manson Youth Institution; Montville Facility; New Haven Correctional Center; Northeast Correctional Institution; Northern Correctional Institution; Osborn Correctional Institution; Raymond L. Corrigan Correctional Institution; Stanley J. Radgowski Correctional Institution; Walker Reception Center and Special Management Unit, to include Central Transportation Unit; Ward A. Garner Correctional Institution; and William Willard Correctional Institution.

(Effective February 22, 1979; Amended July 28, 1997)

Sec. 18-81-3—18-81-10. Repealed

Repealed July 28, 1997.

Sec. 18-81-10a. Administration of medications

(a) Definitions

As used in this regulation, the following definitions shall apply:

(1) “Administration” means the direct application of a medication by means other than injection to the body of a person.

(2) “Commissioner” means the Commissioner of Correction or his designated representatives.

(3) “Department of Correction” means the Alexander Cybulski Correctional Institution; Bridgeport Correctional Center; Brooklyn Correctional Institution; Carl Robinson Correctional Institution; Cheshire Correctional Institution; Daniel Webster Correctional Institution; Ellis R. MacDougall Correctional Institution; Enfield Correctional Institution; Francis H. Maloney Center for Training and Staff Development; Haddam Facility; Hartford Correctional Center; Janet S. York Correctional Institution; J. B. Gates Correctional Institution; Litchfield Facility; John R. Manson Youth Institution; Montville Facility; New Haven Correctional Center; Northeast Correctional Institution; Northern Correctional Institution; Osborn Correctional Institution; Raymond L. Corrigan Correctional Institution; Stanley J. Radgowski Correctional Institution; Walker Reception Center and Special Management Unit, to include Central Transportation Unit; Ward A. Garner Correctional Institution; and William Willard Correctional Institution.

(4) “Inmate” means any person in the custody of the Commissioner or confined in any institution or facility of the Department of Correction until released from such custody or control.

(5) “Licensed personnel” means a physician licensed under chapter 370 of the general statutes, a dentist licensed under chapter 379 of the general statutes, and a registered nurse licensed under chapter 378 of the general statutes, and a licensed practical nurse licensed under chapter 378 of the general statutes practicing under the direction of a registered nurse.

(6) “Medication” means any medicinal preparation including those which are prescribed, C-II, C-III, C-IV, and C-V controlled substances, and non-prescription (over-the-counter) preparations that are not in injectable form. Medications in injectable form are excluded from these regulations.

(7) “Medication error” means failure to administer medication to the correct inmate, failure to administer medication to an inmate at the correct time, failure to administer the correct medication to an inmate, failure to administer the correct dosage of medication to an inmate or failure to administer the medication according to generally accepted medical practices.

(8) “Residential program” means programs offered in “halfway houses”, providing twenty-four hour care, supervision, and supportive services to pretrial, incarcerated, paroled or discharged offenders. However, facilities licensed under chapter 368v of the general statutes are excluded from these regulations.

(9) “Self-Medication” means an inmate in a facility under the jurisdiction of the Department of Correction who has been determined by the prescribing physician to be

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capable of consistently consuming or applying medications as directed by the prescribing physician without significant assistance or direction by facility staff.

(10) “Trained unlicensed personnel” means any person who has successfully completed an administration of medication training course approved by or provided by the Commissioner.

(b) Administration of Medications by Unlicensed Personnel.

(1) All unlicensed personnel in the Department of Correction and residential programs who administer medications to inmate shall complete a medication administration training course approved by or provided by the Commissioner. A current list of Department of Correction and residential program personnel who have successfully completed the training course shall be on file with the Commissioner. Each person who successfully completes the training course shall be provided with documentation of completion of the training. The original documentation of completion shall be provided to and maintained by the Department of Correction. A recertification will be required of all graduates every two years.

(2) The health service administrator responsible for each Department of Correction medical level 4 or 5 facility and the administrative head of each residential program shall insure that at least one graduate of the medication administration training course is on duty on each shift seven days per week.

(3) All prescription medication shall be administered in accordance with the written order of a physician licensed under chapter 370 of the general statutes or a dentist, licensed under chapter 379, authorized to prescribe such medication.

(4) Prescribed medication shall only be administered to and taken by the inmate for whom the prescription has been written.

(5) Inmates who are able to self-administer medication may do so provided a physician authorizes an order for self-medication.

(6) For the purpose of these regulations, it is presumed that medicinal preparations being administered have been properly dispensed as prescribed by state and federal laws. Those personnel qualified to administer medications shall not repack or relabel medications. All medications shall be packed and labeled in accordance with state and federal laws.

(c) Storage and Disposal

(1) All medications shall be stored in accordance with federal and state laws.

(2) Medications requiring refrigeration shall be stored separately from food. If a separate refrigerator is not available, these medications may be placed in a locked box or plastic container in the same refrigerator that food is stored. Temperature of the refrigerator shall be maintained between 36 and 46 degrees Fahrenheit. Controlled drugs which require refrigerated storage shall be stored in accordance with federal and state laws.

(3) Access to medications shall be limited to persons authorized to administer medications. Medications for inmates who are permitted to self-administer medication shall be stored in such a way as to make them inaccessible to other inmates. Such medications shall be stored in a locked container or area, unless the supervising nurse or person in charge makes a determination that unlocked storage of the medication poses no threat to the health

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or safety of the inmate or other inmates.

(4) All medications shall be stored in their original prescription containers.

(5) Unused, outdated or unlabeled medications shall be returned to a Department of Correction pharmacy for appropriate disposition in accordance with federal and state laws.

(d) Documentation

(1) The administration of medication, including over the counter drugs, shall be documented in the inmate's medical record on a form approved by the Commissioner. Documentation on the administration of medication form shall include, at a minimum, the following information:

(A) Inmate's name

(B) Name of medication

(C) Name of prescribing physician or prescribing dentist

(D) Dosage

(E) Frequency

(F) Route of administration

(G) Initials and signatures of staff who administer medication

(H) Expiration date of prescription

(2) The administration of the medication shall be noted at the time that the medication is administered to the inmate.

(3) Self-administration of medication which involves any degree of staff supervision or assistance shall be properly documented.

(4) All documentation on the administration of medication shall be made in ink.

(5) Physician's medication orders or a copy thereof shall be maintained in the inmate's medical record.

(6) Any change in medications or dosage levels of medications shall be treated as a new medication for the purpose of documentation.

(7) Any medication error shall be reported immediately to the supervising physician or the nurse and shall be documented in the inmate's medical record. An incident report shall be completed within eight hours or before the end of the shift in which the error occurred. A copy of the incident report shall be maintained in the inmate's medical record.

(8) These documentation forms shall become a permanent part of the inmate's medical record.

(9) Department of Correction licensed personnel will be responsible for monitoring the performance of trained unlicensed personnel and for compliance with the approved Department of Correction regulations addressing sections 20-14h to 20-14j, inclusive, of the general statutes.

(e) Applicability

(1) All facilities administered by the Commissioner or facilities in which he places inmates shall be governed by these regulations. Those facilities licensed under chapter 368v of the general statutes are excluded from these regulations. A list of facilities for which these regulations apply shall be on file with the Commissioner. These regulations also

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exclude those inmates on Supervised Home Release, who, as a condition of release, have agreed to be responsible for their own medical care.

(f) **Medication Administration Curriculum**

(1) Safe Medication Administration

(A) Preparation

(B) Process of Medication Administration

(i) Route

(aa) Oral

(bb) Sublingual

(cc) Ophthalmic

(dd) Otic

(ee) Nasal

(ff) Rectal

(ii) Person

(iii) Dosage

(iv) Time

(v) Medication

(C) Medication Order

(D) Medication Area

(2) Drug Action

(A) Pharmacokinetic Phase

(B) Pharmacodynamic Phase

(3) Drug Interaction

(A) Definition

(B) Classification

(C) Drug-Food Interactions

(D) Drug-Drug Interactions

(4) Over the Counter Medication

(A) Therapeutic Agents

(B) Analgesic

(C) Cough, Cold, and Allergy

(D) Antacid

(E) Laxatives

(5) CNS Medication

(A) Pain

(B) Autonomic Nervous System

(C) CNS Stimulants

(D) Anti- convulsants

(6) Mental Functioning

(A) Sedatives

(B) Antipsychotic

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- (C) Affective Disorders
- (7) Cardiovascular
 - (A) Hypertensive
 - (B) Antiarrhythmic
 - (C) Vasodilators
- (8) Respiratory
 - (A) Bronchial
 - (B) Stimulants
 - (C) Antitussive
 - (D) Oxygen
- (9) Urinary
 - (A) Diuretic
 - (B) Infection
- (10) Endocrine
 - (A) Pituitary
 - (B) Adrenal Cortical
 - (C) Hormones
 - (D) Hypo/Hyperglycemia
- (11) Anti-Infective
 - (A) Anti-infection
 - (B) Anti-inflammatory
- (12) Gastrointestinal
 - (A) Antiemetic
 - (B) Emetic
 - (C) Hyperacidity
- (13) Nutrition
 - (A) Vitamins
 - (B) Electrolytes
- (14) Eye and Ear
 - (A) Anti-inflammatory
 - (B) Anti-infective
 - (C) Vasoconstrictors
 - (D) Miotics
- (g) **Medication Administration Practicum**
 - (1) Safe Medication Administration
 - (A) Preparation
 - (B) Route
 - (C) Person
 - (D) Dosage
 - (E) Time
 - (F) Medication

- (2) Observation of Interactions
- (3) Monitoring of Effects and Side Effects

(Effective November 1, 1988; Amended July 28, 1997)

Sec. 18-81-11—18-81-14. Repealed

Repealed July 28, 1997.

Sec. 18-81-15. Public information

(a) The public may obtain information or make submissions or requests concerning the operations of the Department of Correction, and the institutions and facilities administered by the Department, by communicating via telephone or mail to any of the two deputy commissioners. Written inquiries should be sent to 24 Wolcott Hill Rd., Wethersfield, CT 06109. Telephone inquiries may be made at (860)-692-7780.

(b) Copies of regulations, written statements of policy or interpretations formulated, adopted or used by the department of Correction in the discharge of its functions, all forms and instructions used by the Department and all final orders, decisions and opinions are maintained at, or may be obtained through, the Office of the Commissioner of Correction. The foregoing information will be made available for public inspection upon reasonable request made to, and at such reasonable time and location as may be determined by, the Commissioner or his designee.

(c) The subject matter of information available for public inspection does not include material deemed to be privileged, confidential, related to the security of institutional personnel or inmates, or otherwise detrimental to the orderly and secure operations of the Department of Correction.

(Effective February 22, 1979; Amended July 28, 1997)

Sec. 18-81-16. Request for declaratory ruling

The Department of Correction will accept a request for declaratory ruling as to the applicability of any statute or regulation administered by the Department in the following form:

- (a) A request must be in writing;
- (b) The request shall be signed by the person seeking the ruling and shall include his address for purposes of reply;
- (c) The request shall state clearly the question of applicability upon which the ruling is sought;
- (d) The request shall state the position of the person seeking the ruling, including a statement of the factual background relative to the question of applicability;
- (e) The request should include an argument in support of the position of the person seeking the ruling with such legal citation as may be appropriate.

(Effective February 22, 1979)

Sec. 18-81-17. Request for regulation

The Department of Correction will accept a request for the promulgation, amendment or repeal of a regulation of the Department in the following form:

- (a) A request must be in writing;
- (b) The request shall be signed by the person making such request and shall include his address for purposes of reply;
- (c) The request shall clearly state the language to be promulgated, amended or repealed.
- (d) The request should include a statement of facts and arguments in support of the proposed regulation.

(Effective February 22, 1979)

Sec. 18-81-18—18-81-19. Reserved

Sec. 18-81-20. Personal data

(a) **Definitions.**

(1) Definitions of terms set forth in the Personal Data Act, Connecticut General Statutes, Chapter 55, shall apply to this section.

(2) As used in this section, unless the context otherwise requires:

(A) “Category of Personal Data” means the classifications of personal information set forth in the Personal Data Act, Connecticut General Statutes, Section 4-190(9).

(B) “Agency” means the Department of Correction.

(C) “Other Data” means any information, which because of name, identifying number, mark or description can be readily associated with a particular person.

(D) “Employee” means a current or past employee of the Department of Correction.

(E) “Inmate” means a person who is currently or was previously in the custody of the Commissioner of Correction, or confined in an institution or facility of the Department of Correction.

(b) **General Nature and Purpose of the Personal Data System.**

The Agency maintains the following personal data system:

(1) Personnel records.

(A) Personnel records are maintained in both automated and manual form.

(B) All personnel records are maintained at the Department of Correction’s central office.

(C) Personnel records are maintained for the purpose of retaining payroll, benefit, discipline and related personnel information concerning employees.

(D) Personnel records are the responsibility of the Director of Human Resources of the Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109. All requests for disclosure or amendment of these records should be addressed directly to the Director of Human Resources.

(E) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by applicants, the employee’s supervisor, the Comptroller’s Office, the Department of Administrative Services, and the Office of Policy and Management, Office of Labor Relations.

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(F) Personal data in personnel records is collected, maintained and used under the authority of the State Personnel Act, Connecticut General Statutes, Section 5-193 *et seq.*

(2) Inmate Master File Records.

(A) Inmate master file records are maintained in both automated and manual form.

(B) Manual inmate master file records are maintained at the correctional facility or field service office responsible for the supervision of the inmate. Automated inmate master file records are maintained by the Research and Management Information System Unit of the Department of Correction.

(C) Inmate master file records are maintained for the purpose of retaining a wide variety of criminal and personal background information on inmates.

(D) Inmate master file records are the responsibility of the Director of Offender Classification and Population Management of the Department of Correction, 1153 East Street South, Suffield, CT 06080. All requests for disclosure or amendment of these records should be addressed directly to the Unit Administrator of the facility having custody of the inmate and master file.

(E) Routine sources for information retained in inmate master file records include the inmate, departmental documents relating to risk and needs assessment, disciplinary history and institutional adjustment, and arrest and conviction records.

(F) Personal data in inmate master files records are collected, maintained and used under the authority of Connecticut General Statutes, Section 18-81.

(3) Inmate Medical Records.

(A) Inmate medical records are maintained in manual form.

(B) Manual inmate medical records are maintained at the correctional facility or field service office responsible for the supervision of the inmate.

(C) Inmate medical file records are maintained for the purpose of retaining medical and mental health information in order to comply with the agency's legal obligation to provide medical care to inmates.

(D) Inmate medical records are the responsibility of the Director of Health, Mental Health and Addiction Services, 24 Wolcott Hill Road, Wethersfield, CT 06109. All requests for disclosure or amendment of these records should be addressed directly to the Unit Administrator of the facility having custody of the inmate and medical file.

(E) Routine sources of information retained in the inmate medical record include the inmate, results of clinical tests, treatment histories and evaluations conducted by licensed department and contracted health and mental health professionals.

(F) Personal data in inmate health records are collected, maintained and used under the authority of Connecticut General Statutes, Section 18-81.

(c) **Categories of Personal Data.**

(1) Personnel Records of current and past employees.

(A) The following categories of personal data are maintained in personnel records:

(i) Educational records.

(ii) Medical or emotional condition or history.

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- (iii) Employment records.
- (iv) Demographic information.
- (vi) Financial information.
- (vii) Insurance information.
- (viii) Benefit and retirement records.
- (B) Categories of other data may be maintained in personnel records as follows:
 - (i) Addresses.
 - (ii) Telephone numbers.
 - (iii) Social security number.
 - (iv) Employee number.
- (2) Inmate Master File Records of current and prior inmates.
- (A) The following categories of personal data are maintained in inmate master file records:
 - (i) Legal custody documents.
 - (ii) Identification documentation.
 - (iii) Criminal history documentation.
 - (iv) Classification history.
 - (v) Program participation documentation.
 - (vi) Sentence Calculation.
- (3) Inmate Medical Records of current and prior inmates.
- (A) The following categories of personal data are maintained in inmate medical records:
 - (i) Medical intake evaluation.
 - (ii) Treatment history.
 - (iii) Medications prescribed.
 - (iv) Mental health assessments.
- (d) **Maintenance of Personal Data – General.**
 - (1) The Department of Correction shall maintain relevant and necessary personal data in order to accomplish the lawful purposes of the agency. Where the agency finds irrelevant or unnecessary public records in its possession, the agency shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator as per Connecticut General Statutes, Section 11-8a, or, if the records are not disposable under the records retention schedule, request permission from the Public Records Administrator to dispose of the records under Connecticut General Statutes, Section 11-8a.
 - (2) The agency shall collect and maintain all records with accurateness and completeness.
 - (3) Insofar as it is consistent with the needs and mission of the agency, the agency, wherever practical, shall collect personal data directly from the persons to whom a record pertains,
 - (4) Employees of the Department of Correction involved in the operations of the agency's personal data systems shall be informed of the provisions of:
 - (A) the Personal Data Act,
 - (B) the agency's regulation adopted pursuant to Connecticut General Statutes, Section

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(C) the Freedom of Information Act, and

(D) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the agency.

(5) All employees of the Department of Correction shall take reasonable precautions to protect personal data under their custody from danger of fire, theft, flood, natural disaster and other physical threats.

(6) The Department of Correction shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the agency or on its behalf.

(7) An agency requesting personal data from any other state agency shall have an independent obligation to insure that the personal data is properly maintained.

(8) Only Department of Correction employees who have a specific need to review personal data records for lawful purposes of the agency shall be entitled to access such records under the Personal Data Act.

(9) The Department of Correction shall keep a written up-to-date list of individuals entitled to access to each of the agency's personal data systems.

(10) The Department of Correction shall insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential".

(11) The Department of Correction shall insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(e) Maintenance of Personal Data – Automated Systems.

(1) The Department of Correction shall, to the greatest extent practical, locate automated equipment and records in a limited access area.

(2) To the greatest extent practical, the Department of Correction shall require visitors to such an area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

(3) The Department of Correction, to the greatest extent practical, shall insure that regular access to automated equipment is limited to operations personnel.

(4) The Department of Correction shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(f) Maintenance of Personal Data – Disclosure.

(1) Within four business days of receipt of a written request therefor, the Department of Correction shall mail or deliver to the requesting individual a written response, in plain language, informing the requestor as to whether the agency maintains personal data on the individual, the category and location of the personal data maintained on that individual and the procedures available to review the records.

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(2) Except where nondisclosure is required or specifically permitted by law, the Department of Correction shall provide access to any person upon written request, all personal data concerning that person that is maintained by the agency. The procedures for disclosure shall be in accordance with Connecticut General Statutes, Sections 1-200 through 1-241. If the personal data is maintained in a coded form, the agency shall transcribe the data into a commonly understandable form before disclosure.

(3) The Department of Correction is responsible for verifying the identity of any person requesting access to his or her own personal data.

(4) The Department of Correction is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to provide access to any personal data concerning persons other than the person requesting the information.

(5) The Department of Correction may refuse to provide access to a person's medical, psychiatric or psychological data if the agency determines that such disclosure would be detrimental to that person or if nondisclosure is otherwise permitted or required by law.

(6) In any case where the Department of Correction refuses to provide access to a person, it shall advise that person of the right to seek judicial relief pursuant to the Personal Data Act.

(7) If the Department of Correction refuses to provide access to medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the agency, at the written request of such person, shall permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the agency shall provide access to the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the agency shall not provide access to the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(8) The Department of Correction shall maintain a complete record of every person, individual, agency or organization that has obtained access to, or to whom disclosure has been made of, personal data under the Personal Data Act, together with the reason for each such disclosure or access. The record shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(g) Contesting the Content of Personal Data Records.

(1) Any person who believes that the Department of Correction is maintaining inaccurate, incomplete or irrelevant personal data concerning him or her may file a written request with the agency for amendment of said personal data.

(2) Within thirty days of receipt of such request, the Department of Correction shall give written notice to that person that it will make the requested amendment, or if the amendment is not to be made as submitted, the agency shall state the reason for its denial of such request and notify the person of the right to add a statement to the person's own personal data records.

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(3) Following such denial by the Department of Correction, the person requesting such amendment shall be permitted to add a statement to the personal data record setting forth what the person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the agency's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(h) Uses to be made of the Personal Data.

(1) Employees of the Department of Correction who are assigned personnel and payroll responsibilities use the personal data contained in the agency's personnel records primarily in processing promotions, reclassifications, transfers to another agency, benefits and retirement, and other personnel actions. Supervisors use that personal data primarily when promotion, performance evaluations, career counseling or disciplinary action against such employee is contemplated, and for other employment-related purpose.

(2) Employees and supervisors of the Department of Correction use the personal data contained in inmate master file records primarily to make classification decisions with regard to risk assessment, needs assessment, housing assignment, discretionary release to the community, and employment and programmatic assignment.

(3) Medical staff assigned to Department of Correction facilities use personal data contained in inmate medical records primarily to make proper medical decisions.

(4) The uses of such records shall be in accordance with the retention schedule adopted pursuant to Connecticut General Statutes, Section 11-8a.

(5) When an individual is asked to supply personal data to the Department of Correction, the agency shall disclose to that individual, upon request, the name of the agency and the division within the agency requesting the personal data, the legal authority under which the agency is empowered to collect and maintain the personal data, the individual's rights pertaining to such records under the Personal Data Act and agency regulations, the known consequences arising from supplying or refusing to supply the requested personal data and the proposed use to be made of the requested personal data.

(Adopted effective February 18, 2003)

Sec. 18-81-21—18-81-27. Reserved

Inmate Communications

Sec. 18-81-28. Definitions

For the purposes stated herein, the following definitions apply as used in Sections 18-81-28 through 18-81-51 inclusive as follows:

(a) "Collect Call Only Telephones" means telephones which allow for outgoing calls on a collect call basis only and which are available in areas specified by the Unit Administrator for inmate use.

(b) "Contraband" means anything not authorized to be in an inmate's possession or anything used in an unauthorized or prohibited manner.

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(c) “General Correspondence” means all correspondence not defined as privileged communication in Subsection (e) of this Section.

(d) “Inspection” means a physical and visual examination of the actual contents, which shall not include the reading of the correspondence.

(e) “Privileged Communication” means any telephone call placed on behalf of an inmate by the facility or any written correspondence addressed to or received from federal, state and local (e.g., municipal, county or town) elected and appointed officials, including but not limited to the following:

- (1) Any judge or court.
- (2) The Governor.
- (3) The Legislature.
- (4) The Attorney General.
- (5) The Commissioner of Correction or any Department official appointed by the Commissioner.
- (6) The Board of Parole.
- (7) The Sentence Review Board.
- (8) The Commission on Human Rights and Opportunities.
- (9) The State Claims Commissioner.
- (10) The Board of Pardons.
- (11) Elected Government officials.

“Privileged communication” shall also mean any telephone call placed on behalf of an inmate by the facility or any written correspondence addressed to or received from the Connecticut Correctional Ombudsman or attorneys. The word “attorneys” shall include organizations providing legal services to inmates.

(f) “Publication” means a book (for example, novel, instructional manual), or a single issue of a magazine or newspaper, plus such other materials addressed to a specific inmate as advertising brochures, flyers and catalogues.

(g) “Recording and Listening” means the recording and listening, including electronic recording of the number(s) called, on-line listening, recording of inmate telephone conversations and subsequent listening to recordings of inmate telephone conversations.

(h) “Review” means a visual examination of an inmate’s general correspondence, which may include, but shall not be limited to, reading the correspondence.

(i) “Unit” means an organizational component of the Department, subordinate to a Division or subdivision, administered by a Unit Administrator. A unit may be a correctional facility, a community service unit, or other special service unit.

(Effective August 18, 1993)

Sec. 18-81-29. Inmate communications

Inmate communications by mail and by telephone may be inspected, reviewed, read, listened to, recorded, restricted, or prohibited in accordance with the provisions of Sections

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18-81-28 through 18-81-51, inclusive, of the Regulations of the Connecticut State Agencies.
(Effective August 18, 1993)

Sec. 18-81-30. Inmate correspondence

Inmates may write and receive letters subject to the following provisions:

(a) **Frequency.** There shall be no limit placed on the number of letters an inmate may write or receive at personal expense, except as a disciplinary penalty.

(b) **Timely Handling.** Incoming and outgoing correspondence shall be processed without unnecessary delay.

(c) **Correspondents.** An inmate may write to anyone except:

(1) A victim of any criminal offense for which the inmate has served or is serving a sentence, or stands convicted of, or disposition is pending.

(2) Any person under the age of 18 when the person's parent or guardian objects in writing to such correspondence.

(3) An inmate in another correctional facility, other than immediate family.

(4) A parolee or inmate on community confinement without the express permission of the Unit Administrator and the addressee's supervisor.

(5) Any person whom the inmate is restrained from writing to by court order.

(6) Any other person, when prohibiting such correspondence is generally necessary to further the substantial interests of security, order or rehabilitation.

(d) **Cost of Correspondence.** Each inmate shall pay personal mailing expenses, except an indigent inmate. An indigent inmate shall be permitted two (2) free social letters each week, and five (5) letters per month addressed to the court or attorneys, including any request for speedy trial under Sections 54-82c and 54-186 of the Connecticut General Statutes. Additional free correspondence to courts and attorneys may be authorized by the Unit Administrator based upon the reasonable needs of the inmate.

(Effective August 18, 1993)

Sec. 18-81-31. Outgoing general correspondence

(a) **Review, Inspection and Rejection.** All outgoing general correspondence shall be subject to being read at the direction of the Unit Administrator, by person(s) designated in writing by such Administrator, for either a specific inmate(s) or on a random basis if the Commissioner or Unit Administrator has reason to believe that such reading is generally necessary to further the substantial interests of security, order or rehabilitation. Outgoing general correspondence may be restricted, confiscated, returned to the inmate, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials, if such review discloses correspondence or materials which contain or concern:

(1) The transport of contraband in or out of the facility.

(2) Plans to escape.

(3) Plans for activities in violation of facility or departmental rules.

(4) Plans for criminal activity.

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(5) Violations of Sections 18-81-28 through 18-81-51, inclusive, of the Regulations of the Connecticut State Agencies or unit rules.

(6) Information which if communicated would create a clear and present danger of violence and physical harm to a human being.

(7) Letters or materials written in code.

(8) Mail which attempts to forward unauthorized correspondence for another inmate.

(9) Threats to the safety or security of staff, other inmates or the public. The initial decision to take action provided for in this Subsection except to read, which shall be at the discretion of the Unit Administrator, shall be made by the designee of the Unit Administrator. Such designee shall not be the same person who made the initial mailroom review.

(b) **Notice of Rejection.** In the event that the designee of the Unit Administrator determines that outgoing general correspondence shall not be sent as provided for above in Subsection (a) of this Section, the inmate sender shall be notified in writing of the correspondence rejection and the reason therefor. The inmate may seek review in writing within five (5) days thereafter from the Unit Administrator. The Unit Administrator shall notify the inmate of the final decision and the reason therefor in writing. In the event such rejection results in referral for prosecution or investigation for violation of unit or department rules or of the criminal law, the notice of rejection may be delayed until the appropriate investigation is completed.

(c) **Limitations on Restrictions.** Any restrictions imposed on outgoing general correspondence shall be unrelated to the suppression of expression and may not be restricted solely based on unwelcome or unflattering opinions or factually inaccurate statements.

(d) **Procedure for Mailing.** Outgoing general correspondence shall be inserted into the envelope and sealed by the inmate but shall be subject to inspection, review and rejection subject to the provisions of Sections 18-81-28 through 18-81-51, inclusive, of the Regulations of the Connecticut State Agencies as set forth in Subsection (a) of this Section. All outgoing general correspondence shall include:

(1) A complete legible name and address of the party the correspondence is being sent to.

(2) The inmate's complete legible name, inmate number, and present unit address.

(3) The name under which the inmate was committed to the facility or another name approved for official recognition. Correspondence which fails to include this information shall be returned, if reasonably practicable, to the inmate.

(Effective August 18, 1993)

Sec. 18-81-32. Incoming general correspondence

(a) **Review, Inspection and Rejection.** All incoming general correspondence shall be opened and inspected for contraband and money and shall be subject to being read at the direction of the Unit Administrator, by person(s) designated by such administrator, for either a specific inmate(s) or on a random basis when the Commissioner or Unit Administrator

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has reason to believe that such reading is reasonably related to legitimate penological interests. All incoming general correspondence may be rejected if such review discloses correspondence or material(s) which would reasonably jeopardize legitimate penological interests, including, but not limited to, material(s) which contain or concern:

- (1) The transport of contraband in or out of the facility.
- (2) Plans to escape.
- (3) Plans for activities in violation of facility or department rules.
- (4) Plans for criminal activity.
- (5) Violations of Sections 18-81-28 through 18-81-51, inclusive, of the Regulations of the Connecticut General Statutes or unit rules.
- (6) Material which reasonably could cause physical or emotional injury to the inmate recipient as determined by the appropriate mental health staff.
- (7) Letters or materials written in code.
- (8) Threats to the safety or security of staff, other inmates, or the public, facility order or discipline, or rehabilitation.
- (9) Sexually explicit material(s) which meet the standards and review procedures set forth in Subsection (a) of Section 18-81-39 below.
- (10) Any other general correspondence, rejection of which is reasonably related to a legitimate penological interest.

Incoming general correspondence containing any of the foregoing may be restricted, confiscated, returned to the sender, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials. The decision to take any action provided for in this Subsection shall be made by the designee of the Unit Administrator. Such designee shall not be the same person(s) who made the initial mailroom review.

(b) **Notice of Rejection.** In the event the designee of the Unit Administrator determines that incoming general correspondence shall not be delivered as provided for above in Subsection (a) of this Section, the sender and the inmate shall be notified in writing of the correspondence rejection and the reason therefor. The person(s) so notified may seek review in writing within 10 days thereafter from the Unit Administrator. The Unit Administrator shall notify the person(s) seeking review of the Unit Administrator's final decision and the reason therefor in writing. In the event such rejection results in referral for prosecution or investigation for violation of unit or department rules or of the criminal law, the notice of rejection may be delayed until the appropriate investigation is completed. If the ultimate decision is to reject delivery and if there is no further need to retain the rejected correspondence, then it shall be returned to the sender if reasonably practicable.

(Effective August 18, 1993)

Sec. 18-81-33. Monetary remittances

(a) **Incoming.** An inmate may only receive certified, payroll, cashier or government checks and money orders from sources approved by the Unit Administrator. The amount and source shall be recorded. Cash shall not be accepted through the mail for credit to an

inmate's account. A receipt shall be issued to the inmate for any acceptable funds approved.

(b) **Outgoing.** An inmate must obtain prior approval in order to send funds out of the facility.

(Effective August 18, 1993)

Sec. 18-81-34. Identification of privileged correspondence

Only correspondence clearly identified as privileged correspondence shall be treated as privileged correspondence. Correspondence not so identified shall be treated as general correspondence. Such identification shall specify a correspondent as enumerated in Subsection (e) of Section 18-81-28.

(Effective August 18, 1993)

Sec. 18-81-35. Outgoing privileged correspondence

Outgoing privileged correspondence shall be inserted into an envelope clearly identifying a privileged correspondence addressee as enumerated in Subsection (e) of Section 18-81-28 and sealed by the inmate. Outgoing privileged correspondence shall not be opened, nor read. Each facility shall provide a special mailbox for unfranked privileged correspondence directed toward Department officials in accordance with Section 18-81-34 above. All correspondence shall be forwarded without unnecessary delay.

(Effective August 18, 1993)

Sec. 18-81-36. Incoming privileged correspondence

All incoming privileged correspondence shall be opened and inspected, but not read, only in the presence of the inmate addressee.

(a) **Inspection and Rejection.** If upon opening and inspecting such privileged correspondence it contains nonwritten enclosure(s), then such enclosure(s) may be examined to determine whether the delivery of such enclosure(s) would reasonably jeopardize a legitimate penological interest. If the Unit Administrator determines that delivery of the enclosure(s) would reasonably jeopardize a legitimate penological interest, then the Unit Administrator may refuse to deliver such correspondence and its enclosure(s). The sender and the inmate shall be notified in writing of the privileged correspondence rejection and the reason therefore. In no such case shall the Unit Administrator read the privileged correspondence or written enclosure(s). If the enclosure(s) is not appropriate for criminal prosecution, further investigation for violation of unit or department rules, or of the criminal law, the unread correspondence and the enclosure(s) shall be returned to the sender with a statement of the reason therefor. If the Unit Administrator reasonably believes that the enclosure(s) should be referred for criminal prosecution or investigation for violations of unit or department rules, or of the criminal law, the unread correspondence shall be sealed and forwarded in a confidential manner with the enclosure(s) to the appropriate law enforcement or other agency for investigation, together with a written statement as to the reason therefor.

(b) **Notice of Rejection.** In the event that the Unit Administrator determines that incoming privileged correspondence or enclosure(s) shall not be delivered as provided for in Subsection (a) of this Section, the inmate and the sender shall be notified in writing of the rejection and the reason therefor. The person(s) so notified may seek review in writing within 10 days thereafter from the appropriate Deputy Commissioner or designee. The Deputy Commissioner or designee shall notify in writing the person(s) of the final decision and the reasons therefor. In the event such rejection results in referral for prosecution or investigation for violation(s) of unit or department rules, or of the criminal law, the notice of rejection may be delayed until the appropriate investigation is completed.

(c) **Accidental Opening.** If privileged correspondence is opened accidentally, outside the presence of the inmate, the envelope shall be immediately stapled and the required inspection for unauthorized enclosure(s) accomplished in the presence of the inmate.

(Effective August 18, 1993)

Sec. 18-81-37. Forwarding of mail

An inmate shall be responsible for informing a correspondent of a change of address. When an inmate is transferred to another facility privileged correspondence shall be forwarded to the inmate's new facility. The Department shall not be responsible for the forwarding of general correspondence. If an inmate has escaped or is released, the correspondence shall be marked "Escaped" or "Released" and returned to the sender.

(Effective August 18, 1993)

Sec. 18-81-38. Certified mail

Requests for a speedy trial under Sections 54-82c and 54-186 of the Connecticut General Statutes and correspondence with the Sentence Review Board shall be the only correspondence routinely sent certified. Any other request for mailing by Certified Mail, for good cause, shall be authorized at the discretion of the Unit Administrator.

(Effective August 18, 1993)

Sec. 18-81-39. Incoming publications and materials

Requests for any local orders for books, magazines, newspapers, educational materials or periodicals shall be made through the school principal or other person as designated by the Unit Administrator who shall determine that the inmate is able to pay for such material(s). If approved, a check or money order for payment shall be withdrawn from the inmate's account and included with the order. An inmate may order hardcover books in new condition only from a publisher, book club, or book store. Incoming materials which adversely affect a valid penological interest may be rejected in accordance with the following review procedures:

(a) **Procedures for Review of Publications and Sexually Explicit Materials.** The Unit Administrator may reject a publication only if it is determined to be detrimental to the security, good order, or discipline of the facility or if it might facilitate criminal activity.

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The Unit Administrator may not reject a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant. Publications which may be rejected by a Unit Administrator include but are not limited to publications which meet one of the following criteria:

(1) It depicts or describes procedures for the construction or use of weapons, ammunition, bombs or incendiary devices.

(2) It depicts, encourages, or describes methods of escape from correctional facilities, or contains blueprints, drawings or similar descriptions of the Department of Correction's facilities.

(3) It depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs.

(4) It is written in code.

(5) It depicts, describes or encourages activities which may lead to the use of physical violence or group disruption.

(6) It encourages or instructs in the commission of criminal activity.

(7) It is sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the facility, or facilitates criminal activity.

A Unit Administrator shall determine that sexually explicit material of the following types is to be excluded:

(A) Sado-masochistic

(B) Bestiality

(C) Involving children

(D) Materials depicting sexual activity which involves use of force or without the consent of one or more parties.

(b) **Individual Review of Publications or Materials.** The Unit Administrator may not establish an excluded list of publications. The Unit Administrator shall review the individual publication prior to the rejection of that publication. Rejection of several issues of a subscription publication is not sufficient reason to reject the subscription publication in its entirety.

(c) **Notice of Rejection.** Where a publication is found unacceptable, the Unit Administrator shall promptly advise the inmate in writing of the decision and the reasons for it. The notice must contain reference to the specific article(s) or material(s) considered objectionable and deemed to pose a threat or detriment to the security, good order or discipline of the facility or to encourage or instruct in criminal activity. The inmate shall be allowed to appeal to the Commissioner or designee within 15 days of receipt of the rejection letter.

(d) **Notification to Publisher or Sender.** The Unit Administrator shall provide the publisher or sender of an unacceptable publication a copy of the rejection letter. The Unit Administrator shall advise the publisher or sender that an independent review of the rejected material may be obtained by writing to the Commissioner or designee within 15 days of receipt of the rejection letter. The Unit Administrator shall return the rejected publication

to the publisher or sender of the material unless the inmate indicates an intent to file an appeal under the inmate grievance procedure, in which case the Unit Administrator shall retain the rejected material at the facility for review. In case of appeal, if the rejection is sustained, the rejected publication shall be returned when appeal or legal use is completed.

(e) **Quantity Limitations.** The Unit Administrator may set limits locally (for fire, sanitation, housekeeping, security or disciplinary reasons) on the number or volume of publications an inmate may receive or retain in the inmate's quarters. The Unit Administrator may authorize an inmate additional storage space for storage of necessary legal materials.

(Effective August 18, 1993)

Sec. 18-81-40. Stationery supplies

Each correctional facility commissary shall sell:

- (a) Stationery, envelopes, postcards, greeting cards and postage.
- (b) Aerogramme folding letters (for foreign air mail letters).

(Effective August 18, 1993)

Sec. 18-81-41. Telephone access

Each Facility Administrator shall provide "collect call only" telephones which allow for outgoing calls in areas specified by the Unit Administrator for inmate use. Schedules and terms for telephone use shall be posted in telephone areas. Inmate use of "collect call only" telephones shall be deemed a privilege and not an entitlement. Use of any telephone may be prohibited by the Facility Administrator to meet any valid penological interest. If the call is to an attorney, such prohibition shall be based upon a determination relating to the maintenance of security, safety or orderly operation of the facility. The availability or use of any telephones may be restricted or terminated at the discretion of the Commissioner or designee.

Credit card calls, billing to a third party, call forwarding, transfers or any other method which circumvents collect call billing shall be prohibited.

(Effective August 18, 1993)

Sec. 18-81-42. Restrictive housing inmate

An inmate in punitive segregation status, administrative detention status or transfer detention status shall not be allowed to use a "collect call only" telephone except for cause as approved by the Unit Administrator. An inmate in administrative segregation status shall be allowed one (1) phone call up to 15 minutes per week, plus telephone calls to attorneys, as approved by a supervisor. An inmate on protective custody status shall be allowed telephone calls on a comparable basis to inmates in general population, but limited to those periods when protective custody inmates are allowed out of their cells.

(Effective August 18, 1993)

Sec. 18-81-43. Emergency calls

Any inmate upon approval, may be allowed to place an emergency call. Such calls shall be at state expense if the inmate is indigent.

(Effective August 18, 1993)

Sec. 18-81-44. Recording and listening to “collect call only” telephone calls

Only telephone calls from “collect call only” telephones may be recorded and listened to provided the following provisions are complied with:

(a) **Notification.** A sign in English and Spanish shall be posted at each inmate telephone location which reads: “Any conversation utilizing these telephones shall be subject to recording and listening.”

Upon admission, each inmate shall be given a form stating that the inmate’s telephone calls are subject to recording and listening. The inmate shall acknowledge reading the form by a legible printed name and signature or by an appropriate assent acknowledged in writing by a staff member. Any inmate not so consenting shall not be allowed use of the “collect call only” telephones and shall be instructed that any such use shall be unauthorized and in violation of institutional rules.

(b) **Automatic Tone Warning.** Inmate telephone calls shall be recorded in accordance with the provisions of Section 52-570d of the Connecticut General Statutes and any other applicable law. No call shall be recorded unless the recording is accompanied by an automatic tone warning device which automatically produces a distinct signal that is repeated at intervals of approximately 15 seconds during the communication while such instrument, device or equipment is in use.

(c) **Listening.** Listening shall be authorized only by the Unit Administrator or higher authority when there is reason to believe that such listening is reasonably related to the maintenance of the security, good order or discipline of the facility or the prevention of criminal activity either within the facility or without.

(Effective August 18, 1993)

Sec. 18-81-45. Access to and retention of recordings of telephone calls

Only personnel authorized in writing by the Unit Administrator or higher authority shall listen to inmate telephone calls or recordings of inmate telephone calls. Such person authorized in writing to listen should be a person whose duties relate to the purposes as stated in Subsection (c) of Section 18-81-44 and who has been instructed and trained in these governing standards so as to eliminate the listening to conversations not directly related to these standards. Access to tapes shall be limited to persons designated in writing by the Commissioner or the Unit Administrator or their designees. Tapes shall be maintained for a minimum of 90 days at which time they can be reused, except that any tape containing information leading to administrative, investigative or legal action shall be maintained for three years or for the duration of the proceedings whichever is longer.

(Effective August 18, 1993)

Sec. 18-81-46. Privileged telephone calls

An inmate shall be provided a reasonable accommodation to make prearranged non-recorded telephone calls to any person enumerated in Subsection (e) of Section 18-81-28 on non-collect call only telephones without the recording and/or listening provided for in Section 18-81-44 above, and provided the person enumerated in Subsection (e) of Section 18-81-28 called agrees to accept the charges. Such calls shall be placed by staff who shall verify the party's identity prior to placing the inmate on line. The staff member shall then move out of listening range of the inmate's conversation. The employee placing the call may maintain visual observation of the inmate. Such calls shall normally be limited to ten minutes duration.

(Effective August 18, 1993)

Sec. 18-81-47. Listening to non-recorded telephone calls

Non-privileged telephone calls conducted on non-recorded telephone lines may be listened to (e.g., on an extension line) provided the following provisions are complied with:

(a) The telephone call is placed by a Department of Correction staff member whose duties include placing of telephone calls for inmates.

(b) The inmate for whom the call is made and the person to whom the call is made are informed by such staff member that the call will be listened to and they both agree to this arrangement.

(c) Such call and listening is reasonably related to a legitimate penological interest.

(d) The inmate signs a statement agreeing to have the conversation listened to.

(Effective August 18, 1993)

Sec. 18-81-48. Termination

Any call may be terminated for the following reasons:

(a) Violation of unit rules.

(b) Illegal activity.

(c) Exceeding applicable time limits.

(d) Vandalism or misuse of equipment.

(e) Threatening or disruptive behavior.

(f) In the event of a unit emergency.

(g) For a legitimate penological interest.

(Effective August 18, 1993)

Sec. 18-81-49. Community residential telephones

Each community residential facility shall provide a written directive for telephone use. Such telephones shall not be recorded and/or listened to.

(Effective August 18, 1993)

Sec. 18-81-50. Notification

Upon admission, each inmate shall be given a form which states, "I have been advised that the Commissioner of Correction has adopted regulations pertaining to mail and telephone use and that these regulations are contained in Sections 18-81-28 through 18-81-51 of the Regulations of Connecticut State Agencies." The inmate shall acknowledge reading the form by signature.

(Effective August 18, 1993)

Sec. 18-81-51. Disclosure of correspondence and/or telephone conversations

Information obtained from correspondence and/or telephone calls by correctional staff, pursuant to the provisions of these regulations, shall be disclosed only as reasonably necessary to promote legitimate penological, law enforcement or public safety purposes.

(Effective August 18, 1993)

Sec. 18-81-52—18-81-54. Reserved

Inmate Property

Sec. 18-81-55. Definitions

For the purposes of Sections 18-81-55 through 18-81-56, the following definitions shall apply:

(a) "Property" means any tangible physical object possessed or owned by an inmate, excluding money.

(b) "Unclaimed Inmate Property" means any inmate property that: (1) is not claimed at discharge or within 30 days after discharge; (2) is not claimed by the inmate's next of kin within 30 days of notification of an inmate's death; (3) belongs to an inmate who has escaped; or (4) is contraband that has not been otherwise disposed of.

(c) "Contraband" means any property that is not authorized by the Commissioner of Correction.

(Adopted effective May 1, 1998)

Sec. 18-81-56. Disposal of unclaimed property

(a) Any unclaimed inmate property with reasonable market value shall be disposed of at public auction in accordance with procedures established and administered by the Department of Administrative Services. All proceeds from any such sale shall be deposited in the general fund and credited to the criminal injuries compensation fund established by Section 54-215.

(b) Any unclaimed inmate property with no reasonable market value shall be discarded.

(Adopted effective May 1, 1998)

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Storage of Weapons by the Department of Correction

Sec. 18-81i-1. Storage of weapons by the department of correction

(a) Definition.

As used in this section, the following definition shall apply:

“Secure location” means an armory or weapons storage container that is (1) designed for the storage of weapons, (2) situated on Department of Correction property in an area inaccessible to inmates and the public, (3) authorized by the Commissioner of Correction as a location for the storage of weapons, and (4) secured by means of a locking mechanism which restricts access by anyone other than personnel authorized by the Commissioner of Correction.

(b) Implementation.

The Commissioner shall store any firearm, ammunition or deadly weapon owned by the department in a secure location when such firearm, ammunition or deadly weapon is not in use by authorized personnel of the department. The Commissioner shall designate an individual at each location where weapons are stored to implement record-keeping procedures for inventory, tracking, distribution and maintenance of such firearms, ammunition and deadly weapons.

(Adopted effective October 11, 2002)

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Sec. 18-81q-1. Return of drug products from correctional institutions

Return of Drug Products From Correctional Institutions

Sec. 18-81q-1. Return of drug products from correctional institutions

(a) Any pharmacy that accepts for return drug products dispensed to correctional institutions, pursuant to section 27 of Public Act No. 01-9, June Special Session, shall comply with the requirements of this section.

(b) A pharmacy shall not accept for return any drug products that do not meet the criteria for return under section 27 of Public Act No. 01-9, June Special Session.

(c) A pharmacy shall physically inspect all drug products that are returned by correctional institutions. Any drug products in original manufacturer's dispensing packages that have been opened, have had doses removed, or show any signs of tampering shall not be returned to stock. Any drug products packaged in unit dose or blister type packaging that appear to have been removed from and returned to the dispensing package, or drug products in such packaging that appears to have been tampered with or the integrity of which appears to be compromised in any way, shall not be returned to stock, except as permitted in subsection (d)(2) of this section.

(d) Except as provided in subsections (b) and (c) of this section, a pharmacy may return to stock for re-dispensing drug products:

(1) packaged in original manufacturer's dispensing packages;

(2) packaged in unit dose or blister type packaging whose individual labeling and integrity remains intact even though doses may have been removed from the outer package; or

(3) originally packaged by the pharmacy into multiple dose blister packaging. Except as otherwise permitted by this subdivision, such drug products shall be removed from the original dispensing package before being placed into pharmacy stock for re-dispensing. This process shall be done in a manner that insures that the lot number and expiration date for the drug product are maintained and that the individual doses of the drug product are not exposed to possible adulteration or cross-contamination. Generically equivalent drug products from more than one drug manufacturer shall not be co-mingled. Removal of the drug product from the original dispensing package prior to re-dispensing shall not be required for packaging from which no doses have been removed and for packaging that allows disassembly without handling the drug product, while maintaining product identification, lot number, and expiration date.

(e) (1) All drug products re-dispensed on prescription from the pharmacy shall be labeled with all required information, including lot number and expiration date.

(2) The expiration date assigned to the drug product for re-dispensing shall be no later than the expiration date assigned to the product when originally dispensed, or no later than the earliest expiration date originally assigned to any dose contained in the repackaged multiple dose blister card dispensed.

(3) The lot number assigned shall be the manufacturer's original lot number for products dispensed in manufacturers' original packaging, or a lot number assigned by the pharmacy for a repackaged product, from which the original lot numbers of the doses contained may

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be referenced.

(Adopted effective September 10, 2002)

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Agency

Department of Correction

Subject

Assessed Cost of Incarceration

Inclusive Sections

§§ 18-85a-1—18-85a-4

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Assessed Cost of Incarceration

Sec. 18-85a-1. Definitions

The following definitions apply as used in Sections 18-85a-1 to 18-85a-4, inclusive, as follows:

(a) “Assessed Cost of Incarceration” means the average per capita cost, per diem, of all component facilities within the Department of Correction as determined by employing the same accounting procedures as are used by the Office of the Comptroller in determining per capita per diem costs in state humane institutions in accordance with the provisions of Section 17b-223 of the general statutes. The assessed cost of incarceration includes those costs incurred by the state and those costs that the state will reasonably incur to incarcerate the inmate until the inmate’s maximum release date. For inmates serving life sentences, the cost shall be determined based on the inmate’s life expectancy. For inmates serving Connecticut sentences in other states, either in state or federal institutions, the assessed cost of incarceration shall be either the actual cost billed by the receiving jurisdiction or the average per capita cost, per diem, of all component facilities within the Department of Correction, as determined pursuant to this subsection, whichever is greater.

(b) “Inmate” means an individual confined, or formerly confined, in a correctional facility serving a sentence imposed by any Connecticut state court.

(c) “Job training, Skill Development, Career Opportunity or Enhancement Programs” means any work or job assignment performed by an inmate during incarceration for which the inmate receives payment.

(Adopted effective July 28, 1997; Amended November 6, 2001; Amended March 15, 2007)

Sec. 18-85a-2. Inmate responsibility for cost of incarceration

On or after October 1, 1997, inmates shall be charged for and shall be responsible to pay the assessed cost of incarceration, as defined in 18-85a-1(a).

(Adopted effective July 28, 1997)

Sec. 18-85a-3. Inmate responsibility for cost of services and programs

On or after October 1, 1997, inmates shall be charged for and shall be responsible to pay costs involved in their use of various services and programs. No inmate shall be denied medical care based on an inability to pay. All sums collected from an inmate in connection with such use shall be deducted from the inmate’s assessed cost of incarceration. The inmate’s responsibility to pay for the use of services and programs shall be in accordance with the following schedule:

Programs

(1) Elective education programs, \$3.00 per course.

(2) Vocational-education programs, \$3.00 per course.

Health Services

(1) Sick Call – inmate initiated visits - \$3.00 per visit.

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(2) Dental Procedures - \$3.00 per procedure.

(3) Eyeglasses - \$3.00 per prescription.

Laboratory Testing Fees – Laboratory tests taken to detect illegal use of drugs where results are positive – actual cost of confirmation test.

(Adopted effective July 28, 1997; Amended March 15, 2007)

Sec. 18-85a-4. Payment and collection of assessed costs of incarceration, services and programs

(a) Inmate responsibility for costs of elective education programs or vocational-education programs as provided in Section 18-85a-3 shall be deducted by the Department of Correction from the inmate's account prior to the inmate's admission to such programs or shall be deducted from the inmate's account following admission to such programs if necessary to permit admission. Necessity will exist only in cases where the inmate does not have adequate funds for admission at the time of entry to the program, but will earn such funds from participation in the program.

(b) The inmate's responsibility to pay the assessed cost of incarceration shall be discharged in part by a 10% deduction from all deposits made to the inmate's individual account excluding deposits made from Job Training, Skill Development, Career Opportunity or Enhancement Programs. Deductions from an inmate's account shall not exceed the assessed cost of incarceration owed by the inmate. Any balance in the amount owed by an inmate on the assessed cost of incarceration after such deductions shall be collected with the assistance of the Department of Administrative Services and in accordance with a memorandum of understanding between the Department of Correction and the Department of Administrative Services.

(Adopted effective July 28, 1997; Amended March 15, 2007)

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Department of Correction

Subject

Prisoner Capacity for the Correctional System and the Connecticut Correctional Institution, Niantic

Inclusive Sections

§§ 18-87f-1—18-87f-2

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Sec. 18-87f-1—18-87f-2. Repealed

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Sec. 18-87f-1—18-87f-2. Repealed

Repealed September 24, 1996.

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Community Input Into the Comprehensive State Community Correction Plan

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Sec. 18-101i-4.	Chronological scheme for community correction plan input (Repealed)
Sec. 18-101i-5.	Community input into the community correction plan

Community Input Into the Comprehensive State Community Correction Plan

Sec. 18-101i-1. Definitions

- (a) “Department” means the department of correction.
- (b) “Commissioner” means the commissioner of correction.
- (c) “Residential programs” means those offered in “halfway houses”, providing twenty-four hour care, supervision, and supportive services to inmates who are supervised in the community. Residential program services are those provided by private non-profit community or locally based organizations or units of local government.
- (d) “Nonresidential programs” means those programs providing daytime or episodic community correction services to inmates who are supervised in the community and their families, or victims of crime. Nonresidential program services are those provided by private non-profit community or locally based organizations or units of local government.
- (e) “Volunteer programs” means those programs offering services provided by unpaid volunteers under the auspices of private, non-profit community or locally based organizations or units of local government.
- (f) “Service areas” means the five community correction geographic areas in the state corresponding to the health systems agency regions established pursuant to the National Health Planning Resources and Development Act, Public Law 93-641.
- (g) “Program plan” means that document issued annually by the commissioner pursuant to these regulations which describes in detail the department’s plans in community corrections.
- (h) “Client Population Ratio” means the number of correctional clients returning to a particular service area compared to the total number released in need of service. Client Population Ratios for all service areas are employed as necessary by the department along with other criteria to establish levels of services needed in each service area.

(Effective March 31, 1987; Amended July 28, 1997)

Sec. 18-101i-2. Comprehensive state community correction plan

- (a) Pursuant to subsection (b) of Section 18-101i of the General Statutes, the Commissioner of Correction shall develop and revise annually a comprehensive state community correction plan (hereinafter referred to as the “community correction plan” or “plan”).
- (b) The plan will consider the goals, objectives, priorities and service needs regarding community corrections on a statewide basis, and within each of the community correction service areas.

(Effective March 31, 1987; Amended July 28, 1997)

Sec. 18-101i-3. Substance of the community correction plan

In general, the community correction plan will include the following:

- (a) Goals, objectives, priorities and general concerns pertaining to the provision of

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community correctional services.

(b) An assessment of client needs (employing client population ratio data, as necessary, and the availability of needed services.)

(c) A description of the levels and types of services to be provided by residential programs, non-residential programs and volunteer programs including both client and non-client services and public information and education.

(d) Proposals for innovative services and pilot projects.

(e) Procedures for coordination of services and programs.

(f) Projected budget for services to be provided.

(Effective March 31, 1987)

**Sec. 18-101i-4. Chronological scheme for community correction plan input
(Repealed)**

Repealed June 11, 2014.

(Effective March 31, 1987; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 18-101i-5. Community input into the community correction plan

Copies of the community correction plan will be maintained at, and may be obtained through the Director of Community Services, Department of Correction, 340 Capitol Ave., 3rd Floor, Hartford, CT. Any member of the public who wishes to make a recommendation concerning the plan may do so by writing to the Director of Community Services. Any recommended revision to the community correction plan submitted by a member of the public should include a statement of facts and argument in support of the proposed revision.

(Effective October 28, 1988)

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Inclusive Sections

§§ 18-101k-1—18-101k-5

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Sec. 18-101k-1.	Definitions
Sec. 18-101k-2.	Service area proposals
Sec. 18-101k-3.	Schedule (Repealed)
Sec. 18-101k-4.	Individual contract awards: Formula and procedures
Sec. 18-101k-5.	Waiver and amendment procedures

Formula and Procedures for the Application, Review and Award or Denial of Requests for Funds, and Providing for the Waiver or Amendment of Such Formula

Sec. 18-101k-1. Definitions

- (a) “Department” means the department of correction.
- (b) “Commissioner” means the commissioner of correction.
- (c) “Residential programs” means those offered in “halfway houses”, providing twenty-four hour care, supervision, and supportive services to inmates who are supervised in the community. Residential program services are those provided by private, non-profit community or locally based organizations or units of local government.
- (d) “Nonresidential programs” means those programs providing daytime or episodic community correction services to inmates who are supervised in the community and their families, or victims of crime. Nonresidential program services are those provided by private non-profit community or locally based organizations or units of local government.
- (e) “Volunteer programs” means those programs offering services provided by unpaid volunteers under the auspices of private, nonprofit community or locally based organizations or units of local government.
- (f) “Service areas” means the five community correction geographic areas in the state corresponding to the health systems agency regions established pursuant to the National Health Planning Resources and Development Act, Public Law 93-641.
- (g) “Comprehensive State Community Correction Plan” means that document issued annually by the commissioner pursuant to Sec. 18-101i which describes in detail the department’s plans in community corrections.
- (h) “Private Sector Match” means in kind funds and/or services provided by the community based service providers as required by the department in its contractual agreements.
- (i) “Client Population Ratio” means the number of correctional clients returning to a particular service area compared to the total number released in need of service. Client population ratios for all service areas are specified as necessary in the comprehensive state community correction plan and are employed by the department as necessary along with other criteria to establish the levels of services needed in each service area.
- (j) “Nonclient Criteria” means those service requirements for community programs which are not directly client related including administrative functions, fiscal accountability, cost efficiency and economy, public information and education, capacity for community organization, resource development and coordination with other programs and such other services and activities as specified by the department.
- (k) “Residential Facility Criteria” means service requirements for residential facilities to include 24-hour supervision, counseling, pre-release services, crisis intervention, employment and job development, housing assistance, public education, child care, transportation and such other activities and services as specified by the department.
- (l) “Nonresidential Facility Criteria” means service requirements for community correctional programs to include counseling, substance abuse, mental health, pre-release

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services, crisis intervention, employment and job development, housing assistance, public education, child care, transportation, volunteer and such other activities and services as specified by the department.

(Effective December 1, 1981; Amended July 28, 1997)

Sec. 18-101k-2. Service area proposals

(a) Based on the comprehensive state community correction plan and/or the criteria set forth in 18-101k-1 to 18-101k-5, inclusive, as well as any additional criteria as it determines appropriate, the department shall solicit as necessary annual requests for proposals from individual service providers in each of the service areas. Such requests for proposals shall specify the department's service requirements consistent with the following, if applicable: private sector match, estimates of service requirements on the basis of client population ratio, Nonclient criteria, residential facility criteria and nonresidential facility criteria and shall require the respondent to specify the level, types and projected cost of services offered, consistent with the department's requirements. Requests for proposals shall be forwarded to residential programs, nonresidential programs, or volunteer programs, according to the department's service requirements. The department may submit requests for proposals to non-contracted as well as contracted service providers.

(b) Proposals submitted by community based service providers for each service area shall be evaluated according to the requirements specified by the department. The department shall consider the cost of these proposals in determining the preliminary funding levels in each service area. Final funding allocations for each service area shall be determined on the basis of final contract negotiations with individual service providers. The department shall consider proposals submitted by non-contracted as well as contracted service providers.

(Effective December 1, 1981; Amended July 28, 1997)

Sec. 18-101k-3. Schedule (Repealed)

Repealed June 11, 2014.

(Effective December 1, 1981; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 18-101k-4. Individual contract awards: Formula and procedures

(a) Within each service area individual contract awards and funding levels shall be determined on the basis of the following:

(1) Compliance with the requirements specified in requests for proposals as set forth in Sec. 18-101k-2 as well as any other terms and conditions set by the department.

(2) Past performance, including review of fiscal, management and program activities of any agency or organization, if applicable.

(3) Cost formula, as follows:

(A) The department shall pay each contractor an amount not to exceed the contractor's

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full cost for services provided to the department. Full cost shall be determined by the department on the basis of budget documentation submitted by the contractor to the department as necessary and shall be equal to the minimum amount required to meet the contractor's total expenses of providing and maintaining services.

(B) The department shall pay less than full cost under the following circumstances:

1. Private sector match is required by the department.
2. A portion of the services required by the department are available at no cost through other funding sources or entitlements.
3. The services sought by the department are partially funded by other governmental or non-governmental sources with mandates to serve correctional clients.

4. The contractor agrees to provide services at less than full cost.

(C) The department shall consider the variation of service costs as the result of:

1. Differences between rural and urban service areas.
2. Differences among service providers regarding methods of delivering client, nonclient, and other services.
3. Variation as the result of types and levels of services provided.

(b) **Procedures for negotiation, review and approval or denial of requests for funds.**

(1) In the negotiation of contract awards, the department shall:

(A) Make available to all its contractors an annual standards and performance audit and evaluation.

(B) Hold an informal program review conference with individual contractors if requested by the contractor. The purpose of such a conference shall be to allow the contractor to submit data, views, or arguments as to the contractor's past performance or its proposed contract.

(2) The department shall require each contractor as necessary to submit to the department an acceptable work plan specifying levels, types and methods of services to be provided as well as other terms and conditions set by the department.

(3) The department may deny requests for funds on the basis of failure to meet any of the criteria set forth in Sections 18-101k-1 to 18-101k-5, inclusive, the lack of available funds, or the availability of more qualified or less costly service providers.

(Effective December 1, 1981; Amended July 28, 1997)

Sec. 18-101k-5. Waiver and amendment procedures

In accordance with subsection (c) of Section 18-101k of the General Statutes, the formula developed under Sections 18-101k-1 to 18-101k-5, inclusive, may be amended or waived by the department when, after due consideration, it finds that services in a service area are not needed or that a service area fails to have existing private, nonprofit organizations or units of local government to carry out the purposes of the community correction program of the department.

(Effective December 1, 1981)