

Connecticut

WOMEN IN PRISON: 1,416 (07/05)¹

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 53a-71 – *Sexual assault in the second degree*

§ 53a-73a – *Sexual assault in the fourth degree*ⁱ

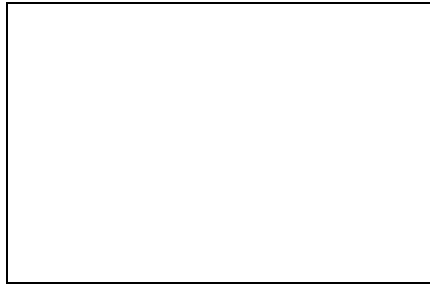
Connecticut’s law is part of the Sex Offenses part of its Penal Code. The offenses do not require “consent” as an issue, only that the two parties have the requisite status.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	Yes	The Second Degree offense is limited to sexual intercourse, and the Fourth Degree offense covers sexual contact.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	These are status offenses like “statutory rape,” consent is not an issue to the charge.
Does the statute cover all custodians and staff in contact with inmates?	No	The law requires that the offender have “supervisory or disciplinary authority” over the inmate.
Does the statute cover all places of detention?	Yes	The law is only concerned that the inmate be “in custody of law,” not where the inmate is being held.
Is the penalty a felony?	Yes	Violation of the Second Degree (acts involving penetration) is a Class C felony. Violation of the Fourth Degree (sexual contact) is a Class A misdemeanor.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ²	<p>Between July 1, 2000 and June 20, 2001, 2 counts of a violation of § 53a-71(a)5 were disposed, and both were dismissed. During the same time period, there were no counts of a violation of § 53a-71(a) (1) (E)³</p> <p>In 2005 the Attorney General reported that the Office of the AG does not have legal authority to pursue the criminal charges in question and does not compile statistics on prosecutions or convictions. The AG referred AI to the Chief State’s Attorney.⁴ AI received no response from this office.</p>
Incidents reported in select media since January 2000	<ul style="list-style-type: none"> - York Correctional Institution: Raul Laffitte, a food service supervisor, was placed on leave after being investigated for allegedly sexually assaulting a female prisoner in a food preparation area. (AP, 2/27/03) - Danbury: Ricardo Vasquez, a guard at the women’s prison in Danbury, was indicted on seven counts of sexual abuse for allegedly having sex with four inmates over the previous four years. Vasquez pleaded guilty to six counts of sexually abusing four female inmates and one count of making false statements to a federal law enforcement officer. He was sentenced to 21 months in prison. (The AP & LW 10/09/03 and AP, 09/17/02) - York Correctional Institution: A correction officer and a laundry supervisor at the facility were fired for having inappropriate sexual relationships with female inmates. (AP, 08/16/02)

ⁱ The relevant text of Connecticut’s statute is included at the end of this section.



- York Correctional Institution. A former counselor was sentenced to serve 18 months in prison for having sex with three female inmates who came to him for help with their problems. (*The Day*, 10/19/00)
- York Correctional Institution: Prison worker was convicted of sexual assault on female inmate. A jury found a food supervisor at the facility, had sex with an inmate he supervised. (*Associated Press*, 04/19/00)
- Long Lane School Juvenile Detention Facility: A youth services officer was charged with sexually assaulting two teenage female inmates. (*The Hartford Courant*, 01/25/00)

Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following is based on data provided by the Connecticut Department of Corrections in response to AI’s survey in 2002 and 2005. AI did not receive data from the Connecticut Department of Corrections in 2002. Additional information from other sources is included where available.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Connecticut DOC policy includes direct and specific language about the nature of the sexual behaviors prohibited. ⁵ An administrative directive on Employee Conduct prohibits “undue familiarity” with inmates, and defines undue familiarity to include any sexual contact, sexualizing a situation without physical touching, among other actions. ⁶
Allow cross-gender pat-down searches?	Yes	Routinely allowed. ⁷
What is the percentage of female officers in relation to male officers?		According to the Connecticut DOC, 19.8% of officers system-wide are women. In York Correctional Institution, the only facility for women, 55.6% of the officers are female. ⁸
Restrictions on the duties of male guards?	Yes	Connecticut DOC Directive 6.7 states “Reasonable accommodations shall be made to provide for same gender strip searches.” ⁹
Staff training on sexual misconduct?	--	The Connecticut DOC reports that it provides such training, however, the documentation provided covered sexual harassment of employees and visitors, as well as staff guidance for preventing and responding to sexual assault of inmates by other inmates. It did not cover training related to custodial sexual misconduct. ¹⁰
Inform inmates of agency policies and reporting procedures on sexual misconduct?	--	The Connecticut DOC reports that it informs inmates, however, policies provided to AI by the DOC do not cover this issue. ¹¹

Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response

The following is based on the Connecticut Department of Corrections response to AI’s surveys, please see above.

Is medical help available for the victim of alleged sexual abuse?	Yes	The University of Connecticut Health Center Correctional Managed Health Care policy on Sexual Assault states that all inmates who allege forced sexual contact (not limited to penetration) shall be “provided with comprehensive medical/mental health care.” ¹²
Are immediate mental health services available for the victim of alleged sexual abuse?	Yes	With the inmate’s consent, a qualified mental health professional initially conducts crisis intervention counseling, mental health evaluation, and evaluation of suicide potential to determine if the inmate’s condition requires follow-up treatment at the facility, or referral to a Psychiatric Treatment facility. If no mental health staff is on-site, health services staff notifies an on-call psychiatrist. ¹³
Is counseling available for the victim of alleged sexual abuse?	Yes	See above.

Is a rape kit taken?	No	Guidelines for officers ¹⁴ and health care staff ¹⁵ responding to incidents of sexual assault call for the preservation of evidence and medical examinations, but do not specifically refer to taking a rape kit. Health care staff are to consult a “physician consultant on-call” to determine whether the victim should be taken to an emergency room.
Are there special procedures for investigating allegations of sexual misconduct?	Yes	Connecticut DOC reportedly uses a telephone monitoring system to determine whether inmates have called staff at home and to track the types of conversations that took place. The Department also works closely with the state police and has used handwriting analysis and fingerprinting on documents found in inmates’ cells. ¹⁶ Policies provided to Amnesty International by the Connecticut DOC contain protocols for gathering and preserving evidence of sexual assault. However, these policies appear to apply primarily to cases of inmate-on-inmate sexual assault rather than custodial sexual misconduct. ¹⁷
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?	Yes	Connecticut DOC policy calls for any incident staff-inmate rape or sexual misconduct to be reported to the state police and the security division for investigation. ¹⁸
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?	Yes	As noted, Connecticut DOC policy requires all staff to report incidents of staff-inmate sexual misconduct to the state police and the security division. In addition, according to a written response from the Connecticut DOC, inmates may request a non-monitored telephone call to their attorney, legal aid, a public official (including the state police or state’s attorney) or the DOC ombudsman. ¹⁹
Is the investigation external?	Yes	According to the Connecticut DOC, an external investigation will be conducted if a complaint has been filed with an outside authority such as the state police. ²⁰
If there is an external investigation, how is it triggered?		According to the Connecticut DOC an external investigation may be triggered if a complaint is filed, as noted above. In addition, Administrative Policy 6.6 calls for DOC staff to report suspected criminal sexual assault to the state police. ²¹
Are special measures taken to shield alleged victims from retaliation?	Yes	The Connecticut DOC reports that it takes measures; however, the policies provided do not cover retaliation. ²² However the DOC informed AI that they place the victim in administrative detention “for her own protection.” See below.
If so, do the measures include solitary confinement or lock-down of the inmate?	Yes	According to the Connecticut DOC, the victim inmate will be placed in administrative detention, pending the outcome of the investigation, for the inmate’s own protection. ²³
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?	Yes	No details provided.
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?	Yes	The Connecticut DOC reports that the facilities monitor these on a monthly basis. ²⁴

Custodial Sexual Misconduct –Pending Legislative Proposals

None

Pregnancy in Custody

Pregnancy – Statute

Legislation banning shackling in the third trimester or during labor	No	Connecticut has no legislation limiting the use of shackling on pregnant inmates.
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Pregnancy - Policies, Procedures and Practices

The following is based on the Connecticut Department of Corrections response to AI's surveys, please see above

Policy on use of restraints in third trimester	Yes	A policy on perinatal care states that no woman in the third trimester of pregnancy may be restrained with leg irons unless the shift supervisor determines it necessary for security reasons and unless a nurse or physician on duty agrees that this is not medically contraindicated. ²⁵ In addition, Connecticut DOC policy on inmate transportation stipulates that for women in the third trimester, no leg irons shall be used while under transport, unless the shift supervisor determines that this is necessary for security reasons. ²⁶
Restraints during transport	Yes	Before any pregnant woman is placed in leg irons or other restraints, a nurse or physician will be consulted for approval. If the nurse or physician determines that the restraints are not medically advisable, "no such restraints will be used." As noted above, leg irons will not be used on women in the third trimester during transport unless the shift supervisor determines this is necessary for security reasons. ²⁷
Restraints during labor	No	According to the policy of York Correctional Institution, no restraints may be used on any woman during labor or during her delivery. ²⁸
Officer in delivery room	Yes	According to DOC policy, a correctional officer shall be present at all times, but the inmate may request that the officer step behind a screen or just outside the birthing room door during delivery. ²⁹

Contact information

CONNECTICUT DEPARTMENT OF CORRECTIONS

Commissioner Theresa C. Lantz 24 Wolcott Hill Road Wethersfield, CT 06109 Phone: (860) 692-7780 Fax: (860) 692-7783	Website: http://www.doc.state.ct.us/ Email Public Information officer: DOC.PIO@po.state.ct.us
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CONNECTICUT DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

YORK CORRECTIONAL INSTITUTION <i>Female inmates: 1,416 (06/05)³⁰</i> Guard/inmate ratio: 1: 3.1 Warden: Lori Ricks 201 West Main Street, Niantic, CT 06357 Phone: (860) 691-6700; Fax: (860) 691-6800 Security Level: High-security. Connecticut's only facility for female offenders. Manages all of Connecticut's pre-trial and sentenced females.

CONNECTICUT EXECUTIVE

<p>Governor M. Jodi Rell Governor's Office State Capitol 210 Capitol Avenue Hartford, CT 06106 Phone: (860) 566-4840 Email: Governor.Rell@po.state.ct.us</p>	<p>Homepage: http://www.state.ct.us/governor/index.html</p> <p>Elected: July 1, 2004</p>
<p>Attorney General, Richard Blumenthal [D] 55 Elm Street Hartford, CT 06106 Telephone: 860-808-5318; Fax: (860) 808-5387 Email: attorney_general@po.state.ct.us</p>	<p>Homepage: http://www.cslib.org/attygenl/index.htm</p> <p>Elected: 1990; Re-elected: 1994, 1998, 2002</p>

CONNECTICUT LEGISLATIVE INFORMATION

<p>House: 151 members, 2-year term Senate: 36 members, 2-year term All legislative elections held in even years Legislative Session: Starts on Wednesday following first Monday in January and ends on same day in June. In odd-numbered years, members can prefile any type of bill, in even years only fiscal.</p>	<p>Legislature home page: http://www.cga.state.ct.us/default.htm Bill Search http://prdbasis.cga.state.ct.us/BASIS/TSAMDHP/LINI/AMD/MSF Bill information phone number: (203) 566-5376</p>
<p>Senate Legislative Office Building Hartford CT 06106</p>	<p>Homepage: http://www.cga.state.ct.us/three/Senate.htm</p>
<p>House Of Representatives Legislative Office Building Hartford CT 06106</p>	<p>Homepage: http://www.cga.state.ct.us/three/House.htm</p>

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International

<p>Family Reentry Inc 9 Mott Avenue, Suite 104 Norwalk, CT 06850 Phone (203) 838-0496; Fax (203) 866-9291 Website: www.familyreentry.org Services: Family ReEntry provides counseling services and psycho-educational programs to offenders and their families.</p>
<p>ACLU of Connecticut 32 Grand Street Hartford, CT 06106 Phone: (860) 247-9823 Website: www.acluct.org</p>
<p>Families in Crisis Inc 30 Arbor Street, North Wing Hartford CT 06106 Phone: (860) 236-3593; Fax 860.231.8430 Website: www.familiesincrisis.org Services: Families in Crisis Inc. helps at-risk children, offenders and their families learn how to constructively succeed as individuals, as members of a family and as members of society. They provide specialized services that strengthen families, enhance community safety and promote individual responsibility.</p>

Connecticut's Custodial Sexual Misconduct Statute

Excerpted

Sec. 53a-71. *Sexual assault in the second degree: Class C felony: Nine months not suspendable.*

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and:

...

(5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; ...

(b) Sexual assault in the second degree is a class C felony...and any person found guilty under this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.

Sec. 53a-73a. *Sexual assault in the fourth degree: Class A misdemeanor.*

(a) A person is guilty of sexual assault in the fourth degree when:

(1) Such person intentionally subjects another person to sexual contact who is...

(E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person;...

(b) Sexual assault in the fourth degree is a class A misdemeanor...

¹ Connecticut Department of Corrections (DOC), *Incarcerated Population by Status and Gender*, available at <http://www.ct.gov/doc/cwp/view.asp?a=1505&q=265598>, as per 01/25/06.

² The information does not reflect prosecutions or convictions under rape statutes.

³ Letter from Martin R. Libbin, Legal Services Attorney, Connecticut Judicial Branch, Court Operations Division, 07/12/02.

⁴ Letter from Richard Blumenthal, Attorney General, 09/14/05.

⁵ US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, 05/2000.

⁶ A.D. 2.17, Employee Conduct. Prepared for signature 03/27/02, effective 05/10/02.

⁷ National Institute of Corrections, Prisons Division and Information Center, "Cross-sex Pat Search Practices: Findings From NIC Telephone Research," Colorado, 01/1999.

⁸ Letter from Theresa C. Lantz, Connecticut DOC Commissioner, 09/07/05.

⁹ Directive No. 6.7, Effective 03/15/1999, Title: Searches, Section 5. *Inmate Strip and Visual Body Cavity Searches*. The directive continues: "When such accommodation cannot be made and a strip search is deemed to be essential without delay, then a *cross gender strip search shall be conducted*." (Emphasis added) Policy faxed by Connecticut DOC, Public Information Office, 12/15/01.

¹⁰ Letter from Theresa C. Lantz, DOC Commissioner, Connecticut DOC, 09/07/05; Memo by Brian K. Murphy, DOC Operations Commissioner, Connecticut DOC, addressed to district administrators, 06/23/05.

¹¹ Letter from Theresa C. Lantz, DOC Commissioner, Connecticut DOC, 09/07/05.

¹² University of Connecticut Health Center, Correctional Managed Health Care, "Policy and Procedures for Use Within the Connecticut Department of Correction," Number G 9.01, 03/2001.

¹³ University of Connecticut Health Center, Correctional Managed Health Care, "Policy and Procedures for Use Within the Connecticut Department of Correction," Number G 9.01, 03/2001

¹⁴ Memo by Brian K. Murphy, Operations Commissioner, Connecticut DOC, addressed to district administrators, June 23, 2005

¹⁵ University of Connecticut Health Center, Correctional Managed Health Care, "Policy and Procedures for Use Within the Connecticut Department of Correction," Number G 9.01, 03/2001.

¹⁶ US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, 05/2000.

¹⁷ Memo from Brian K. Murphy, by DOC Operations Commissioner, Connecticut DOC, 06/23/05, addressed to district administrators, distributing policy on Sexual Assault Prevention in the Correctional Environment.

¹⁸ DOC Administrative Directive 6.6, effective 08/01/05.

¹⁹ Letter from Theresa C. Lantz, DOC Commissioner, Connecticut DOC, 09/07/05.

²⁰ Letter from Theresa C. Lantz, DOC Commissioner, Connecticut DOC, 09/07/05.

²¹ DOC Administrative Directive 6.6, effective 08/01/05.

²² Memo by DOC Operations Commissioner Brian K. Murphy, addressed to district administrators, 06/23/05.

²³ Letter from Theresa C. Lantz, DOC Commissioner, Connecticut DOC, 09/07/05.

²⁴ Letter from Theresa C. Lantz, DOC Commissioner, 09/07/05.

²⁵ York Correctional Institution Addendum, G 7.01. Revised 12/10/03.

²⁶ Connecticut Unit Directive, 6.4 Transportation and Community Supervision of Inmates. 14. Security and Supervision. A. Transportation. (6.4.14 A.2). Facsimile from DOC, 02/06/01.

²⁷ Connecticut Unit Directive, 6.4 Transportation and Community Supervision of Inmates. 14. Security and Supervision. A. Transportation. (6.4.14 A.2). Facsimile from PIO Christina M. Polce, DOC, 02/06/01.

²⁸ York Correctional Institution Addendum, G 7.01. Revised 12/10/03.

²⁹ York Correctional Institution Addendum, G 7.01. Revised 12/10/03.

³⁰ Connecticut DOC, *Population Counts by Facility*, 7/01/05, available at <http://www.ct.gov/doc/cwp/view.asp?a=1505&q=296496>, as per 01/25/06.