



General Assembly

**February Session,
2004**

File No. 641

House Resolution No. 24

House of Representatives, April 21, 2004

The House Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the resolution ought to be adopted.

RESOLUTION APPROVING THE SETTLEMENT AGREEMENT IN STATE OF CONNECTICUT OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES V. CHOINSKI, ET AL.

Resolved by this House:

That the provisions of the settlement agreement in the action [State of Connecticut Office of Protection and Advocacy for Persons with Disabilities v. Choinski, et al.](#), United States District Court, District of Connecticut, Civil Action No. 3:03CV1352 (RNC), dated March 8, 2004, requiring expenditure from the General Fund budget in excess of two million five hundred thousand dollars and submitted by the Attorney General to this Assembly for approval in accordance with section 3-125a of the general statutes, are approved.

JUD *House Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Correction, Dept.; Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	See Below	See Below
Protection & Advocacy, Off.;	GF - None	None	None

Mental Health & Addiction Serv., Dept.; Attorney General			
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Note: GF=General Fund

Municipal Impact: None

Explanation

The state of Connecticut reached a three-year settlement agreement in the case of the *Office of Protection and Advocacy v. Choinski* in order to address a claim of cruel and unusual punishment regarding the operation of Northern Correctional Institution (NCI) and its impact on inmates with mental illnesses. The NCI is the state's sole maximum-security prison that currently houses about 400 inmates. Furthermore, there was an additional claim that mental health care at Garner Correctional Institution was inadequate. The 3-year settlement involves the following:

PROVISION	FY 05 costs	FY 06 costs	FY 07 costs
Evaluate NCI population to determine necessary transfers to Garner	\$1,000,000	None	None
Increase staffing at Garner for mental health services and supervision	\$1,400,000 (DOC) \$283,220 (fringe)	\$1,400,000 (DOC) \$641,480 (fringe)	\$1,400,000 (DOC) \$641,480 (fringe)
Change restraint of prisoners and prisoner discipline policy at NCI and Garner	None	None	None
Plaintiff attorney fees	\$190,000 + Up to \$25,000	Up to \$25,000	Up to \$25,000
Plaintiffs' monitor compliance plus mediation costs, if necessary	\$40,000 + Up to \$15,000	\$40,000 + Up to \$15,000	\$40,000 + Up to \$15,000
State monitor agreement	None	None	None

compliance (DOC & DMHAS)			
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The Revised FY 05 Appropriations Act, as recently reported by the Appropriations Committee, includes funding to cover FY 05 costs associated with the settlement agreement.¹ Under the agreement, the plaintiffs will also be able to recover certain costs of up to \$80,000 annually in FY 06 and FY 07 for attorney fees and monitor compliance. These costs are not specifically provided for in the bill or otherwise, however, funding could be made through the Office of Policy and Management's Litigation/Settlement account or the Adjudicated Claims account within the Office of the State Comptroller. Finally, it is expected that the additional staff required under the agreement will remain in place after the agreement expires and therefore, permanently increase the budget base of the General Fund as pertaining to the Department of Correction.²

OLR Bill Analysis

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RESOLUTION APPROVING THE SETTLEMENT AGREEMENT IN STATE OF CONNECTICUT OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES V. CHOINSKI, ET AL.

SUMMARY:

The Office of Legislative Research does not analyze Resolutions.

COMMITTEE ACTION

Judiciary Committee

House Favorable Report

Yea 33 Nay 0

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¹ Section 43 of sHB 5033, the Revised FY 05 Appropriations Act, carries forward \$1,250,000 in Personal Services funding and transfers it to the Other Expenses account to pay for the cost of mental health assessments and plaintiff attorney fees.

² This funding (\$1.4 million and fringes) is intended to support 28 additional staff including 16 nurses, 11 clinical therapists and a psychologist.