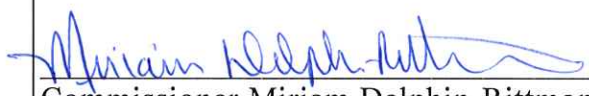




STATE OF CONNECTICUT
Department of Mental Health & Addiction Services
Commissioner's Policy Statement and Implementing Procedures



SUBJECT:	Electronic Monitoring/Surveillance Systems
P & P NUMBER:	Chapter 2-Human Resources/Employee Services
APPROVED:	 Commissioner Miriam Delphin-Rittmon, Ph.D. 10/24/19 Date
EFFECTIVE DATE:	1/1/2019
LAST REVISED:	10/18/2019
REFERENCES:	45 CFR 165.514(b); Public Act 19-151
FORMS AND ATTACHMENTS:	

STATEMENT OF PURPOSE:

To establish a uniform administrative procedure addressing the use of Electronic Monitoring/ Surveillance Systems within DMHAS facilities. Electronic Monitoring/ Surveillance Systems encompass all equipment used to record visual occurrences on the grounds of DMHAS facilities.

POLICY:

1. Electronic Monitoring/ Surveillance Systems (EMSS) are utilized in DMHAS facilities to promote safety and security.
2. Video recordings from EMSS are maintained under the possession and control of The DMHAS Police or facility CEO, with assistance by DMHAS Information Technology staff as needed.
3. Pursuant to Connecticut General Statute Sec. 31-48d, DMHAS facilities using EMSS must provide employees notice of the types of EMSS that may be used by posting such notice in a conspicuous place which is readily available for viewing by the employees. Patients must also be informed in writing of the use of EMSS in patient care areas.
4. Video recordings from EMSS may be viewed for purposes of conducting internal investigations, criminal investigations, and implementing safety and quality improvement activities and internal training and education activities.
5. The Commanding Officer of the DMHAS Police Unit and/or the facility CEO will establish procedures for viewing live video and video recordings to accomplish the goals outlined in #4 above. Such procedures will allow the minimum necessary viewing of video recordings to

accomplish these goals.

6. Video recordings shall be maintained for at least 30 days from the date of the recording before being destroyed. Video recordings may be maintained by the DMHAS Police or CEO for a sufficient period to accomplish any investigations described in #4 above. The facility CEO or designee may request that DMHAS Police or IT Department archive video recordings as needed to accomplish the goals outlined above. The DMHAS Police Commanding Officer may archive video recordings for police investigation or police training purposes. Video recordings which become evidence in any disciplinary proceeding, litigation, or other legal proceeding shall be retained until all actions have been resolved and hold notices released.

7. Requests to view video recordings (apart from the procedures established under #5 above) from sources internal or external to the facility will be reviewed by the facility CEO or designee. The CEO or designee will make determinations of permitted viewing by facility staff (internal sources).

8. For written requests for any image or recording (including, but not limited to, a still or electronically stored photograph and any video or audio recording stored on any device) of a person found not guilty by reason of mental disease or defect and committed to the Psychiatric Security Review Board (hereafter "acquittee ") made by counsel representing the acquittee in any matter before the Psychiatric Security Review Board or the Superior Court related to the jurisdiction of the Psychiatric Security Review Board, in accordance with Sec. 2 of PA 19-151, the CEO will review the request to ascertain whether: (1) the acquittee consents to such review; (2) any other identifiable patient in the image or recording consents to such review; and (3) the image or recording for which review is sought is not the subject of a pending criminal investigation by state or local law enforcement officials, including any agency police of the Department of Mental Health & Addiction Services, for which there exists a record of such investigation or a pending criminal prosecution. If these conditions are satisfied, the CEO will permit the viewing within 30 days of the written request. The CEO will notify the DMHAS Commissioner of such requests and granted reviews.

For all other external requests, the CEO will make a recommendation to the DMHAS Commissioner about whether to permit viewing by persons who are not employees of the facility. The Commissioner will decide whether to permit viewing of any recorded video by persons who are not facility employees.

9. Decisions on requests to obtain copies of video recordings will not be made at the facility level. In the case of requests by law enforcement or prosecutorial officers or via court order, the decision to release copies will be made by the DMHAS Commissioner.

10. Decisions to permit viewing of recorded video or to release copies of video recordings (and any implementation of such decisions) must comply with all applicable state and federal laws regarding confidentiality of patients' Protected Health Information, including 45 CFR 164.514(b), which specifically notes that patient images are considered Protected Health Information.