



SPONSOR: Rep. Lynn & Sen. Bonini & Rep. Bennett
Reps. Baumbach, Bentz, Kowalko, K. Williams

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 3

CREATING THE DELAWARE CORRECTIONS INVESTIGATION TASK FORCE TO INVESTIGATE AND MAKE FINDINGS AND RECOMMENDATIONS REGARDING THE TREATMENT OF INMATES AND THE QUALITY OF HEALTHCARE PROVIDED TO INMATES IN THIS STATE'S CORRECTIONAL INSTITUTIONS.

1 WHEREAS, on March 12, 2020, the Governor declared a State of emergency for the State of Delaware due to the
2 public health threat as a result of COVID-19; and

3 WHEREAS, COVID-19 is a highly contagious virus, and asymptomatic individuals may be carriers who
4 unknowingly spread the virus to other individuals in close proximity. As a result, social distancing is required to help
5 mitigate exposure to and community spread of COVID-19; and

6 WHEREAS, the CDC recommends that in order to reduce exposure to COVID-19, people should stay at least 6
7 feet from others, wear a mask that covers your nose and mouth, if within 6 feet of another person, wash your hands often
8 with soap and water for at least 20 seconds, spend time outside—all things that pose serious challenges for those
9 incarcerated in Delaware prisons; and

10 WHEREAS, although anyone can get infected with COVID-19, older adults and persons with certain medical
11 problems, such as heart problems, sick cell disease, Type 2-diabetes, and obesity get sicker with COVID; and

12 WHEREAS, those medical conditions are prevalent in prison populations; and

13 WHEREAS, 12 inmates in Delaware prisons have died as a result from COVID-19; and

14 WHEREAS, over 1500 inmates have been infected with COVID-19; and

15 WHEREAS, as of January 4, 2021, 265 inmates are currently infected with COVID-19; and

16 WHEREAS, over 500 Department of Correction employees, including correctional officers, have been infected
17 with COVID-19; and

18 WHEREAS, one of the primary responsibilities of government is to keep its citizens safe, and that responsibility
19 extends to citizens incarcerated within Delaware's prisons; and

20 WHEREAS, the United States Constitution and the Delaware Constitution requires this State to ensure that its
21 prisons are safe and humane

22 NOW, THEREFORE:

23 BE IT RESOLVED by the House of Representatives of the 151st General Assembly of the State of Delaware, the
24 Senate concurring there, that the Delaware Corrections Investigation Task Force is established to investigate and make
25 findings and recommendations regarding the treatment of inmates and the quality of healthcare provided to inmates in this
26 State's correctional institutions.

27 BE IT FURTHER RESOLVED that the Task Force be comprised of 11 members, as follows:

28 (1) Two members of the House of Representatives, appointed by the Speaker of the House, one of whom shall
29 be the chair of the Task Force.

30 (2) Two members of the Senate, appointed by the President Pro Tempore of the Senate, one of whom shall be
31 the vice-chair of the Task Force.

32 (3) One member of the House, appointed by the Minority Leader of the House.

33 (4) One member of the Senate, appointed by the Minority Leader of the Senate.

34 (5) One member of the public with experience in correctional health care, appointed by the Speaker of the
35 House.

36 (6) One member of the public who is a licensed physician, appointed by the President Pro Tempore.

37 (7) One member of the judiciary appointed by the Chief Justice.

38 (8) One member of the Delaware bar who has experience in defending clients against criminal prosecution or
39 in prisoners' rights matters appointed by the President of the Delaware State Bar Association.

40 (9) The Chair of the Council on Correction.

41 BE IT FURTHER RESOLVED that the Chief Clerk of the House notify the individuals authorized to appoint
42 members to the Task Force of their appointing authority.

43 BE IT FURTHER RESOLVED that the chair of the Task Force be responsible for guiding the administration of
44 the Task Force by, at a minimum, doing all of the following:

45 (1) Setting a date, time, and place for the initial organizations meeting.

46 (2) Supervising the preparation and distribution of Committee meeting notices, agendas, minutes,
47 correspondence, and reports.

48 (3) Sending to the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the
49 Director of the Division of Research of Legislative Council, after the first meeting of the Task Force, a list of the
50 members of the Task Force and the person who appointed them.

51 (4) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative
52 Council.

(5) Ensuring that the final report of the Force is submitted to the Speaker of the House of the Representatives, and the President Pro Tempore of the Senate, with copies to all members of the General Assembly, the Governor, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

BE IT FURTHER RESOLVED that the Task Force must hold its first meeting no later than 60 days after passage.

BE IT FURTHER RESOLVED that the Task Force investigate and make findings and recommendations regarding the treatment of inmates and the quality of healthcare in this State's correctional institutions.

BE IT FURTHER RESOLVED that a quorum of the Task Force is a majority of its members.

BE IT FURTHER RESOLVED that:

(1) Official action by the Task Force, including making findings and recommendations, requires the approval of a quorum of the Task Force.

(2) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the adopted rules do not govern a given situation, *Mason's Manual of Legislative Procedure* controls.

(3) The Task Force shall have access to any and all otherwise protected health-care information relating to current and former inmates supervised by the Department of Correction notwithstanding any other statute to the contrary. Any document received or generated which relates to the medical or behavioral health services or treatment of an inmate are specifically excluded from the definition of public record as set forth at 29 *Del. C.* § 10002.

(4) The Task Force may request the appearance of any employee of the Department of Correction, including the Commissioner, and any contractor or employee of any contractor providing medical or behavioral health services to an inmate under the direction of the Department of Correction at a Task Force meeting in order to provide information to the Task Force.

(5) Pursuant to 29 *Del. C.* § 705 the Task Force has the authority to request that the Clerk of the House issue subpoenas requiring the attendance of any resident of the State and the production of any records or papers by a majority vote of the Task Force.

(6) The Chair of the Task Force may call an executive session for purposes which are listed at 29 *Del. C.* § 10004 or for the purpose of requesting the issuance of a subpoena.

(7) All Task Force members must abide by federal and state laws regarding privacy of protected health information.

BE IT FURTHER RESOLVED that the General Assembly is responsible for providing reasonable and necessary support staff and materials for the Task Force.

82 BE IT FURTHER RESOLVED that the chair must issue a final report containing a summary of the Task Force's
83 work regarding the issues assigned to it, including any findings and recommendations, and submit the report to the General
84 Assembly, the Governor, and the Director and the Librarian of the Division of Research of Legislative Council no later than
85 July 30, 2021.

86 BE IT FURTHER RESOLVED that this Concurrent Resolution expires 90 days after the Task Force's first
87 meeting.

SYNOPSIS

This concurrent resolution establishes the Delaware Corrections Investigation Task Force to investigate and make findings and recommendations regarding the treatment of inmates and the quality of healthcare provided to inmates in this State's correctional institutions. The Task Force shall complete its investigation and findings 90 days after the Task Force's initial meeting and issue a final report containing a summary of its work, findings, and recommendations.