



## **Bill Summary: Arizona Independent Prison Oversight HB 2894 (Rep. Blackman)**

**Bill Purpose:** Increases transparency and accountability in the Arizona Department of Corrections (ADC) by establishing an independent corrections ombudsman's office to (1) monitor and inspect prison facilities, and (2) investigate unresolved complaints from incarcerated people, their families, and corrections staff regarding prison conditions and treatment of prisoners.

**FAMM supports HB 2894.**

**Bill Status: This bill is not a law yet.** To become law, this bill must go through the committee process, pass through both the Senate and House, and be signed by the governor.

### **What the Bill Would Do:**

- 1. Creates an independent Ombudsman:** Requires, within 270 days of the bill's enactment, the creation of an Office of the Independent Corrections Ombudsman, run by an Ombudsman who
  - is appointed by the Corrections Oversight Committee,
  - serves a 6-year term,
  - may only be removed by the governor for cause, and
  - cannot be a current or former ADC employee or contractor;
- 2. Selection of Ombudsman:** Requires, within 180 days of the bill's enactment, the creation of a Corrections Oversight Committee that would select and appoint the Ombudsman and that would be comprised of lawmakers from both houses and parties, medical and mental health practitioners, representatives of prisoner advocacy and reentry groups, a formerly incarcerated man and woman, and a family member of a currently incarcerated person, each of whom serves 3-year terms;
- 3. Data collection:** The Ombudsman shall create a uniform reporting system and collect and analyze data related to deaths, suicides, sexual and physical assaults, lockdowns, staff vacancies and prisoner-to-staff ratios, visits to prisoners, and use of solitary confinement in prison facilities;
- 4. Inspection power:** The Ombudsman's office has authority to
  - Access and inspect any ADC facility at any time, with or without prior notice to the ADC or facility officials;
  - Have confidential and privileged interviews with any ADC staff or prisoners;
  - Access and review ADC documents related to prison operations or complaints received by the Ombudsman;
  - Conduct regular inspections of prison facilities at least once each year for maximum security facilities and facilities not meeting standards, and at least once every 18 or 36 months for other facilities and facilities that are meeting standards;
  - For each facility inspection, issue a public report with recommendations, to which the ADC must respond in writing within 20 days with a corrective action plan;



- Monitor the ADC's compliance with corrective action plans issued in response to inspection reports and recommendations;
5. **Investigation power:** The Ombudsman's office has authority to
    - Establish a toll-free hotline and complaint submission forms for incarcerated people, their family members, and ADC staff to use to submit complaints to the Ombudsman via the internet, submission of a paper form, or submission of the form via a secure, confidential intranet system inside the prison facility;
    - Promptly respond to complaints and explain in writing any decisions not to take action;
    - Treat all complaints received as confidential and protect the anonymity of people submitting complaints;
    - Initiate – on its own or in response to requests from ADC staff or incarcerated people or their families – investigations relating to prison conditions, abuse or neglect, ADC decisions or actions or omissions, ADC policies or rules or procedures, or alleged legal violations by ADC staff that adversely affect the health, safety, welfare, and rights of prisoners;
    - Issue a decision on any investigations to the prisoner involved and to the ADC, with an explanation of its decision and recommendations;
    - Request that the ADC respond to an Ombudsman decision on an investigation in writing, with an explanation of the ADC's action or inaction on the Ombudsman's recommendations;
    - Report significant prisoner health, safety, welfare, or rehabilitation issues to the governor, attorney general, ADC director, and the House and Senate judiciary committees;
  6. **Bans retaliation** by the ADC or its staff or contractors against any person who submits a complaint to the Ombudsman, and allows staff fired in retaliation for making complaints to seek back-pay using a relief system set up by the Arizona Industrial Commission;
  7. **Transparency:** The Ombudsman shall report regularly on its activities, investigations, and inspections, including
    - An annual report, which shall be presented to and discussed at a meeting of the Corrections Oversight Committee;
    - Other reports on topics of special interest; and
    - All reports shall be made available to the public online and provided to the ADC director, governor, attorney general, and House and Senate Judiciary Committees;
  8. **Staffing:** the Ombudsman may hire staff and unpaid volunteers and contract with experts to help perform its duties;
  9. **Funding:** the bill authorizes funding of \$1.5 million per year for each of fiscal years 2021 through 2025 so that the Ombudsman can perform its duties.