



Bill Summary: Mississippi Prison Oversight The Office of the Department of Corrections Ombudsman's Act

Bill Purpose: Increases transparency and accountability in the Mississippi Department of Corrections by establishing an independent 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.

What the Bill Does:

1. **Creates an independent Ombudsman:** Requires, within 270 days of the bill's enactment, the creation of an Office of the Department of 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,
 - cannot be a current or former DOC employee or contractor;
2. **Selection of Ombudsman:** Requires, within 180 days of the bill's enactment, the creation of a Corrections Oversight Committee 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 Department of Corrections (DOC) facility at any time, with or without prior notice to the DOC or facility officials;
 - Have confidential and privileged interviews with any DOC staff or prisoners;
 - Access and review DOC 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 DOC must respond in writing within 20 days with a corrective action plan;
 - Monitor the DOC'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 DOC 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 DOC staff or incarcerated people or their families – investigations relating to prison conditions, abuse or neglect, DOC decisions or actions or omissions, DOC policies or rules or procedures, or alleged legal violations by DOC 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 DOC, with an explanation of its decision and recommendations;
 - Request the DOC to respond to an Ombudsman decision on an investigation in writing, with an explanation of the DOC’s action or inaction on the recommendations;
 - Report significant prisoner health, safety, welfare, or rehabilitation issues to the governor, attorney general, DOC director, and the House and Senate judiciary committees;
6. **Bans retaliation** by the DOC or its staff or contractors against any person who submits a complaint to the Ombudsman;
 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 DOC 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.