



BILL SUMMARY:
Independent Prison Oversight for Arizona Department of Corrections
HB 2167, Rep. Walt Blackman (R-6)

The Problem: Arizona’s prison system costs taxpayers \$1.3 billion annually and is responsible for the health and safety of 38,000 incarcerated people and thousands of corrections staff. But this system is rife with problems and has no oversight, transparency, or accountability. Lawmakers and families struggle to get answers about what happens in state prisons, while people inside endure inedible food, unclean water, crumbling infrastructure, unsafe working and living conditions, a lack of rehabilitative programming, inadequate medical and mental health care, and a raging COVID-19 pandemic. Unsafe prisons do nothing to reduce recidivism and cost the state millions in lengthy lawsuits.

What the Bill Would Do: Increase accountability and transparency at the Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR) by establishing an independent ombudsman’s office with the power to inspect prisons, recommend and monitor improvements to prison conditions and facilities, and help resolve prisoner, staff, and family concerns.

How Oversight is Structured: The bill establishes two bodies that would help lawmakers, the governor, and the public understand the problems and needed solutions at the ADCRR:

- **The Correctional Oversight Committee** – This body selects the Ombudsman, holds public meetings, receives reports and recommendations from the Ombudsman, and has the power to testify to legislative committees and subpoena documents, data, and witnesses from ADCRR.
 - o The Committee acts as a sort of liaison, bringing the Ombudsman’s work and recommendations to the public, legislature, and governor. It also ensures that a fully independent Ombudsman is selected and able to operate independently.
 - o The Committee is composed of four lawmakers, two formerly incarcerated people, a family member of a current prisoner, a non-voting representative from a correctional officers association, two members of the general public, a doctor, a mental health professional, and representatives of prisoner advocacy and reentry organizations.
- **Office of the Corrections Ombudsman** – The Ombudsman is appointed by the Committee and can be removed by the Committee or the governor only for good cause.
 - o The Ombudsman is the workhorse, doing the daily work of the office and reporting on its work regularly to the public, the governor, and the Committee.
 - o The Ombudsman has power to
 - Inspect all parts of facilities without prior notice, at any time
 - Communicate confidentially with incarcerated people and staff
 - Assign each facility a ranking based on its conditions and problems
 - Recommend and monitor improvements to conditions and facilities



- Subpoena documents, witnesses, and data from ADCRR
- Write and publish reports and hold hearings
- Receive and investigate complaints from incarcerated people and staff
- Hire staff, experts, and volunteers to help perform its work
- Testify before legislative committees, when asked.

The Ombudsman Provides Oversight, Not Enforcement: The Ombudsman provides recommendations for improvements at ADCRR. The ADCRR is required to respond with a corrective action plan, and the Ombudsman can monitor and report on that plan's implementation. But the Ombudsman does NOT have power to

- Force the ADCRR to make certain policy reforms or changes
- Enact rules, policy changes, or legislation
- Hire or fire ADCRR staff or change their wages or benefits
- Close prison facilities or change the ADCRR's budget
- Intervene in ADCRR employment disputes with staff
- Change the ADCRR's administrative remedies process.

HB 2167 Protects People in Prisons: The bill has numerous protections for incarcerated people and staff, to encourage them to report problems and seek the Ombudsman's help. The bill

- Creates a confidential hotline and electronic complaint form that allows incarcerated people, families, and staff to submit complaints directly to the Ombudsman
- Bans retaliation by ADCRR officials against people who report complaints
- Deters retaliation by allowing staff who are fired for reporting complaints to seek 30 days of pay as compensation
- Sets reasonable and prompt timelines for the Ombudsman to respond to complaints
- Allows the Ombudsman to work with ADCRR officials to resolve complaints.

How the Ombudsman is Funded: Creating an Ombudsman without funding ensures that no oversight will actually be done. HB 2167 authorizes \$2 million per year for 10 years so the Ombudsman can do its work.

- This is comparable to the budgets for the prison ombudsman offices in Ohio and Washington State, which have similar oversight powers.
- The cost of funding an effective Ombudsman is far smaller than the costs of lengthy lawsuits, like the ongoing *Parsons* lawsuit that has saddled Arizona with millions in fines for failing to improve prison health care.
- A fully-funded Ombudsman prevents future costs to taxpayers by identifying problems in ADCRR early, before they require major, expensive lawsuits or solutions.

Benefits of the Ombudsman and Oversight:

- Provides greater transparency and accountability to taxpayers
- Helps lawmakers get information they need to enact informed budgets and legislation
- Prevents costly future problems and lawsuits
- Improves prison conditions and facilities for both staff and incarcerated people
- Improves the ADCRR's relationships with incarcerated people and their families by creating more help for receiving and resolving complaints
- Increases public safety by making prisons safer, more rehabilitative places.