



Bill Summary: Independent Prison Oversight Model Legislation

Bill Purpose: Increases transparency and accountability in a state prison system by establishing an independent corrections ombudsperson's office and independent corrections oversight committee with powers to investigate complaints, inspect prison facilities, and recommend improvements.

Bill Status: **This bill is not a law yet.** To become law, this bill must be introduced, 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 Ombudsperson:** Requires, within 270 days of the bill's enactment, the creation of an Office of the Independent Corrections Ombudsperson, run by an Ombudsperson who
 - is appointed by the Corrections Oversight Committee,
 - serves a 6-year term,
 - may only be removed by the governor for good cause, and
 - cannot be a current or former prison system employee or contractor;
- 2. Primary purposes:** The Ombudsperson's office shall: A) monitor and inspect prison facilities; and B) investigate unresolved complaints from incarcerated people, their families, and corrections staff regarding prison conditions and treatment of prisoners.
- 3. Data collection:** The Ombudsperson 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 Ombudsperson's office has authority to
 - Access and inspect any prison facility at any time, with or without prior notice to the corrections agency or facility officials;
 - Have confidential and privileged interviews with any corrections staff or prisoners;
 - Access and review any corrections agency documents related to prison operations or complaints received by the Ombudsperson;
 - Conduct regular inspections of prison facilities at least once every year for maximum security facilities and facilities not meeting standards, and at least once every 36 months for other facilities and facilities that are meeting standards;
 - Publicly issue periodic facility inspection reports and an annual report with recommendations and a summary of data. The corrections agency must respond in writing within 20 days with a corrective action plan;
 - Monitor the corrections agency's compliance with corrective action plans issued in response to inspection reports and recommendations;
- 5. Investigation power:** The Ombudsperson's office has authority to
 - Establish a telephone hotline and complaint submission forms for incarcerated people, their family members, and corrections staff to use to submit complaints to the



- Ombudsperson 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 corrections staff or incarcerated people or their families – investigations relating to prison conditions, abuse or neglect, corrections agency decisions or actions or omissions, policies or rules or procedures, or alleged legal violations by corrections 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 corrections agency, with an explanation of its decision and recommendations;
 - Request that the corrections agency respond to an Ombudsperson decision on an investigation in writing, with an explanation of the agency’s action or inaction on the Ombudsperson’s recommendations;
 - Report significant prisoner health, safety, welfare, or rehabilitation issues to the governor, attorney general, corrections agency director, and the House and Senate judiciary committees;
6. **Bans retaliation** by the corrections agency or its staff or contractors against any person who submits a complaint to the Ombudsperson, and allows staff fired in retaliation for making complaints to seek back-pay;
 7. **Transparency:** The Ombudsperson 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 corrections agency director, governor, attorney general, and House and Senate Judiciary Committees;
 8. **Staffing:** The Ombudsperson 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 the next five fiscal years so that the Ombudsperson can perform its duties;
 10. **Creates an independent Corrections Oversight Committee:** Requires, within 180 days of the bill’s enactment, the creation of a Corrections Oversight Committee. The Committee 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. The Committee would select and appoint the Ombudsperson. The Committee shall also hold regular public hearings to present, review, and discuss data, reports, and findings. It has discretionary authority to issue findings, recommendations, and policy and legislative proposals.

Please contact FAMM Vice President of Policy Molly Gill at mgill@famm.org for assistance with legislation or questions about this model legislation. Last updated August 31, 2023.



1100 H Street NW, Suite 1000 • Washington, D.C. 20005



(202) 822-6700



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