

HB 729 -- DEPARTMENT OF CORRECTIONS OMBUDSMAN

SPONSOR: Collins

This bill establishes the "Office of the Department of Corrections Ombudsman". The Office will consist of an inspection section and a complaints investigation section.

The Department of Corrections Ombudsman's office will have the authority to:

- (1) Provide information regarding the rights of inmates;
- (2) Monitor conditions of confinement and assess department compliance with State and Federal rules and regulations;
- (3) Provide technical assistance to support inmate self-advocacy;
- (4) Assist local governments in the creation of jail oversight bodies;
- (5) Establish a statewide uniform reporting system to collect and analyze data related to complaints received by the Department;
- (6) Establish procedures to gather stakeholder input into the Office's activities and priorities including a 30 day period for receipt of and office response to public comment;
- (7) Inspect each Department of Corrections (DOC) facility at least once every three years, and each maximum security facility and each facility where the Office has found cause for more frequent inspection or monitoring at least once per year; and
- (8) Publicly issue periodic inspection reports and an annual report with recommendations.

Staff members and contractors of the Office are prohibited from being, or having a family member who is, a current inmate, employee, or contractor of the DOC, or a victim of any person in the DOC's custody.

The bill also establishes a "Corrections Oversight Committee". Membership includes: two members of the Senate appointed by the President Pro Tem and who are not members of the same political party, two members of the House of Representatives appointed by the Speaker and who are not of the same political party, and several members, as specified in the bill, who are appointed by the Governor. Term length of membership is provided in the bill.

The Committee members will elect the Ombudsman after holding a public hearing, as provided in the bill. The Committee must hold at least one public hearing each year to discuss the Office's inspections, findings, reports, and recommendations. The Committee must also meet quarterly to discuss findings of the Office as the Committee determines relevant.

The Committee may, in its discretion, issue findings, recommendations, and policy and legislative proposals. The Committee will be given the same access to facilities, records and people within facilities as the Office receives. The Committee will have the power to subpoena Department records, employees, or contractors. Accompanied by the Office, the Committee must visit two different correctional facilities during each calendar year.

The Office will have reasonable access, upon demand, to all DOC facilities. It will have the opportunity to interview any inmate, employee, or contractor of the Department. It will also have the power to inspect and copy all relevant records or documents in possession of the Department that the office considers necessary. The Office will have the power to subpoena Department records, employees, or contractors.

Correspondence with the Office will be confidential. The Office will establish rules and procedures for confidentiality.

The Office must periodically inspect each Department facility. Inspections will include assessments of Department policies, procedures and conditions, as provided in the bill. Upon completion of an inspection, the Office will produce a public report describing its findings. Contents of the report are provided in the bill. The DOC must respond to each inspection report in writing and create corrective action plans to address problems flagged in the reports.

The Office may initiate an investigation on its own initiative or based on a complaint from an inmate, an inmate's representative, a family member, or a Department employee or contractor. The Office can not levy fees for its services and may refer the complaint to appropriate resources or State or Federal agencies. At the conclusion of an investigation of a complaint the Office will render a decision on the complaint, and communicate the decision to the inmate, if applicable, and the Department. The Office may take certain actions based on the conclusions reached in an investigation, as described in the bill. Retaliation against a complainant by Department employees and contractors is prohibited.

The Office will also produce an annual report to be available to the public and delivered to the Governor and certain members of the

General Assembly. Contents of the annual report are provided in the bill.

The Office must create an online form to be made available on its website wherein family members, friends, and advocates can submit complaints and inquiries regarding specified issues on behalf of inmates. A similar form will be developed for inmate use. Upon receipt of a form, the Office will confirm receipt, determine whether an investigation is warranted, and provide a written statement regarding its decision to the complainant. The Office must also create a telephone hotline through which complaints and inquiries on behalf of inmates may be filed.

This bill is the same as HB 2689 (2024).