

HB 774 -- DEPARTMENT OF CORRECTIONS OMBUDSMAN

SPONSOR: Allen

This bill creates a public hearing and comment period for the appointment of the Director of the Department of Corrections (DOC) by the Governor. Correctional staff will be included in the hiring process for institutional and administrative staff.

This bill establishes the "Office of the Department of Corrections Ombudsperson".

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, staff, and their families;
- (2) Monitor conditions of confinement and assess Department compliance with State and Federal rules and regulations;
- (3) Provide technical assistance to support inmates and staff;
- (4) Assist local governments in the creation of jail oversight bodies;
- (5) Establish a statewide uniform reporting system to analyze data related to complaints received by the Department;
- (6) Promulgate rules and regulations to enforce the provisions of the bill;
- (7) Establish procedures to gather stakeholder input into the Office's activities and priorities;
- (8) Inspect each DOC facility at least once annually, and each facility where the Office has found cause for more frequent inspection or monitoring at least twice annually;
- (9) Issue periodic inspection reports and an annual report;
- (10) Investigate incidents in DOC facilities;
- (11) Hire staff and secure space and equipment as necessary;
- (12) Contract with experts as needed;
- (13) Oversee the operations of the Office; and

(14) Prepare a budget.

The Office will have reasonable access, upon demand, to all Department facilities and to programs for incarcerated people at reasonable times. This authority includes the ability to interview inmates and staff of correctional institutions. The purposes of interviews and allowable methods for conducting them are specified in the bill. The Office has the right to access records and documents of DOC that the Office considers necessary to an investigation. The Office will have subpoena power to this end. Timelines for fulfilling records requests are provided in the bill. The Office must work with the Department to minimize disruption to its operations.

Correspondence between the Office and incarcerated people and staff will be confidential and not considered a public record for the purpose of Missouri Sunshine Law. The Office will establish rules to ensure the confidentiality of complainants before, during, and after an investigation.

The Office will produce an annual report by December 31st each year, to be made available to the public and delivered to the Governor, the General Assembly, and the Director of the Department of Corrections. Contents of the annual report are provided in the bill, but include inspection and investigation reports and recommendations for improvements to DOC facilities and programs.

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 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. The Committee must be established by January 1, 2026 and the term length for members is 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. It 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. The Committee will have the power to subpoena Department records and staff only in the event that the position of Ombudsperson is vacant. Accompanied by the Office, the Committee must visit two correctional facilities

during each calendar year. The Committee must appoint an Ombudsperson, to serve a term of six years. The Ombudsperson may be removed for good cause by a majority vote of the committee.

The Office must periodically inspect each Department facility and is required to inspect each correction facility and release a public report by August 28, 2027. Inspections will include assessments of Department policies and conditions, as specified 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. Upon completion of an inspection, the Office must assign the facility a safety and compliance classification, as provided in the bill. Tiers within this classification system will determine the frequency of inspections in the future. The Department of Corrections 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 incarcerated person, an inmate's representative, a family member, or correctional staff. Procedures for investigations are specified in the bill. The Office cannot 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 public decision on the complaint, and communicate the decision to the inmate, if applicable, and the Department.

If the Office requests, the Department will inform the Office in writing about any action taken based on the Office's recommendations, or reasons for not complying with those recommendations. If the Office believes there has been or is a significant health, safety, welfare, or rehabilitation issue, the Office must report its findings to the Governor, the Attorney General, the General Assembly, and the Director of the Department of Corrections. The Department of Corrections must not retaliate against any person for filing a complaint.

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.

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

This bill is similar to HB 2689 (2024).