

SECOND REGULAR SESSION

HOUSE BILL NO. 1616

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALLEN.

4370H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 217.025 and 217.165, RSMo, and to enact in lieu thereof fourteen new sections relating to the department of corrections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 217.025 and 217.165, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 217.025, 217.165, 218.010, 218.015, 218.017, 218.018, 218.019, 218.020, 218.035, 218.040, 218.050, 218.055, 218.060, and 218.065, to read as follows:

217.025. 1. The general supervision, management and control of the department of corrections shall be in the director of corrections, who shall be appointed by the governor, by and with the advice and consent of the senate, **which shall include a hearing on the appointment with opportunity for public comment. Thirty days prior to the appointment of a director by the governor, the names and email addresses of all applicants shall be made available to the public. Applicants shall be encouraged to meet with department of corrections employee collective bargaining units and agents.**

2. The director shall be a person of recognized character and integrity, and have such education, training, proven executive ability and experience as will fit for the successful performance of the official duties of the director. The director shall have education, training and experience in correctional management. The director shall be a citizen of the United States, but need not be a resident of the state of Missouri at the time of appointment. Before entering into the official duties of office, the director shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri and to faithfully demean himself or herself in the office of the director. The director shall enter

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 into a good and sufficient corporate surety bond, payable to the state of Missouri, conditioned
17 upon the faithful discharge and performance of the official duties of the director. The bond
18 shall be approved by the attorney general as to form and by the governor as to its sufficiency.
19 The premium on the bond shall be paid by the state. The director shall devote full time to the
20 official duties of the director, with primary responsibility being to ensure that positive efforts
21 are made to ensure the public safety. The secondary responsibility of the director shall be to
22 institute various rehabilitative programs which should include, but are not limited to, the areas
23 of education, vocational training, treatment, counseling and guidance and an overall approach
24 aimed at reducing recidivism.

25 3. The director shall establish the duties and responsibilities of employees of the
26 department, shall supervise their work assignments and may require reports from any
27 employee as to his conduct and management relating to the correctional centers and programs
28 of the department. The director shall also be responsible for the implementation of uniform
29 policies and procedures governing offenders and staff.

30 4. The director shall have control and jurisdiction over all persons who are legally
31 sentenced, assigned and committed to the custody and supervision of the department.

32 5. The director shall have control and jurisdiction over all real estate, buildings,
33 equipment, machinery, correctional centers and products properly belonging to, or used by, or
34 in connection with any facility within the department except where such control and
35 jurisdiction are reserved to others by law.

36 6. The director shall make and enforce such rules, regulations, orders and findings as
37 the director may deem necessary for the proper management of all correctional centers and
38 persons subject to the department's control.

39 7. The director shall establish and maintain correctional centers and units, as provided
40 by appropriations, for the segregation of male and female offenders, and for the classification
41 of offenders based on the level of security, supervision and program needs.

42 8. The director shall prepare and submit an annual budget of all funds necessary to be
43 expended by the department and by the divisions of the department.

44 9. The director shall prepare and submit to the governor and the general assembly a
45 written report of the administration of his duties, together with such recommendations and
46 suggestions as the director may deem advisable. It may include projects, plans,
47 accomplishments, together with statistics and summaries of financial receipts and
48 expenditures. The director shall also advise the governor and the joint committee on
49 corrections as to any improvements that may appear necessary for the efficiency, economy
50 and general well-being of offenders, correctional centers, programs, and the department.

51 10. The director shall initiate and direct the development of a long-range plan to
52 provide comprehensive integrated programs to accomplish the purpose of this chapter.

217.165. 1. The department director shall in accordance with chapter 36 appoint for each correctional center a chief administrative officer. **Prior to any such appointment, the director shall hold a meeting open to all currently employed staff of the facility and the leadership of any employee associations, except that no potential candidates for the chief administrator position shall attend. The director shall accept comments and input on the suitability of any candidate for the position of chief administrative officer and shall take into consideration such input when making an appointment decision.**

2. The director and the chief administrative officer of each correctional center shall ensure that correctional staff are represented and included in the hiring process for institutional administrative staff.

218.010. For purposes of sections 218.010 to 218.065, the following terms mean:

(1) "Committee", the corrections transparency committee established under section 218.020;

(2) "Correctional staff", employees or contractors of the Missouri department of corrections;

(3) "Covered issues", issues pertaining to the conditions in correctional centers, welfare of incarcerated people and correctional staff, or compliance with applicable federal, state, and local rules, regulations, policies, and best practices relating to the safety and welfare of incarcerated people and correctional staff and the rehabilitation of incarcerated people. "Covered issues" includes, but is not limited to:

- (a) Sanitation in correctional facilities;
 - (b) Access to proper nutrition;
 - (c) Livable temperatures in correctional facilities;
 - (d) Emergency response;
 - (e) Physical or sexual abuse or credible threats of physical or sexual abuse;
 - (f) Violence and credible threats of violence;
 - (g) Neglect;
 - (h) Denial of rights afforded under federal or state law;
 - (i) Access to visitation and communication with family;
 - (j) Any instance in which the office determines an action or behavior constitutes abuse or neglect against incarcerated people or correctional staff;
 - (k) Access to care or treatment for medical, mental health, or substance abuse issues; or
 - (l) Access to educational, rehabilitative, or vocational programming or training, or access to employment in facilities by incarcerated people;
- (4) "Department", the department of corrections;

27 (5) "Family member", includes a grandparent, parent, sibling, spouse or
28 domestic partner, child, aunt, uncle, cousin, niece, nephew, grandchild, or any other
29 relative within the fourth degree, by consanguinity or affinity;

30 (6) "Office", the independent office of corrections and transparency;

31 (7) "Transparency advocate", the state advocate for incarcerated people in the
32 custody of the department of corrections.

 218.015. 1. There is hereby established the "Independent Office of Corrections
2 and Transparency". The office shall operate with only two full-time employees and
3 consist of two sections:

4 (1) An inspection section, which shall be staffed by one full-time employee; and

5 (2) A complaints investigation section, which shall be staffed by one full-time
6 employee.

7 2. The office shall have the authority to:

8 (1) Provide information, as appropriate, to incarcerated people, correctional
9 staff, family members of incarcerated people and correctional staff, and others
10 regarding the rights of incarcerated people and correctional staff;

11 (2) Monitor conditions in correctional centers and assess department compliance
12 with applicable federal, state, and local rules, regulations, policies, and best practices as
13 related to the health, safety, and welfare of incarcerated people and correctional staff
14 and to the rehabilitation of incarcerated people;

15 (3) Provide technical assistance to support incarcerated people and correctional
16 staff with the department or other relevant agencies;

17 (4) Provide technical assistance to local governments in the creation of jail
18 oversight bodies, as requested;

19 (5) Establish a statewide uniform reporting system to collect and analyze data
20 related to complaints received by the department and data related to the following:

21 (a) Deaths, suicides, and suicide attempts by incarcerated people and by
22 correctional staff;

23 (b) Physical and sexual assaults by incarcerated people and by correctional staff;

24 (c) Numbers of incarcerated people placed in administrative segregation,
25 restrictive housing, solitary confinement, or otherwise confined twenty hours or more
26 per day, and the duration and reason for stay in such confinement;

27 (d) Numbers of facility lockdowns lasting longer than twenty-four hours;

28 (e) Numbers of correctional staff vacancies at each facility;

29 (f) The ratio of incarcerated people to correctional staff at each facility;

30 (g) Correctional staff tenure and turnover;

- 31 (h) Numbers of in-person visits to incarcerated people that were made and
32 denied at each facility;
- 33 (i) Types of programming with data disaggregated by program relating to
34 participation, waiting lists, and exclusionary or inclusionary factors;
- 35 (j) The number of contraband items confiscated and the types of contraband
36 confiscated; and
- 37 (k) Demographic data on the prison population disaggregated by race, ethnicity,
38 gender, and age;
- 39 (6) Promulgate reasonable rules and regulations for the administration and
40 enforcement of sections 218.010 to 218.065;
- 41 (7) Establish procedures to gather stakeholder input into the office's activities
42 and priorities, which shall include, at a minimum, an annual thirty-day period for
43 receipt of and office response to public comment;
- 44 (8) Inspect each department facility at least once every year, and at least twice a
45 year for each facility where the office has found cause for more frequent inspection or
46 monitoring;
- 47 (9) Publicly issue periodic facility inspection reports and an annual report with
48 recommendations on the state of department facilities and a summary of data and
49 recommendations arising from any complaints investigated and resolved under sections
50 218.010 to 218.065 and any other thematic reports covering any topic the office finds
51 relevant to running a safe, secure, and humane facility;
- 52 (10) Investigate incidents within department facilities either on the office's own
53 initiative or pursuant to a complaint;
- 54 (11) Hire contractors and unpaid volunteers, and secure office space, equipment,
55 and other services necessary to carry out the duties of the office under sections 218.010
56 to 218.065;
- 57 (12) Contract with experts as needed to assist in the monitoring and inspection of
58 facilities, the assessment of data, and the review, inspection, or resolution of complaints;
- 59 (13) Oversee all operations of the office and act as needed to implement the
60 purposes of the office and to fulfill all requirements under this section; and
- 61 (14) Prepare the budgets of the office in the form and manner set out by statute
62 or by the commissioner of administration.
- 63 3. The office's budget shall be funded, kept, and administered separately from
64 that of the department, and the office's operations and functions shall be separate from
65 those of the department.
- 66 4. The transparency advocate shall develop a recusal process for staff and
67 volunteers with parents, children, spouses, or domestic partners who are current

68 correctional staff, or who have themselves been correctional staff in the last five years,
69 to avoid conflicts of interest around particular topics or facilities. A staff member or
70 volunteer hired by the transparency advocate shall not be currently employed as
71 correctional staff.

72 5. The transparency advocate shall coordinate and collaborate with other state
73 agencies and entities including, but not limited to, the state auditor, the department of
74 natural resources, the POST commission, the office of administration, the department of
75 health and senior services, and local building code enforcement agencies.

76 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
77 created under the authority delegated in this section shall become effective only if it
78 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
79 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
80 vested with the general assembly pursuant to chapter 536 to review, to delay the
81 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
82 then the grant of rulemaking authority and any rule proposed or adopted after August
83 28, 2026, shall be invalid and void.

218.017. 1. The committee, the transparency advocate, and any staff, contractor,
2 or unpaid volunteer of the office shall have reasonable access, upon demand in person or
3 in writing and with or without prior notice, to all department facilities, including all
4 areas that are used or accessible to incarcerated people and correctional staff, and to
5 programs for incarcerated people at reasonable times, which at a minimum shall
6 include normal working hours and visiting hours. This authority includes the
7 opportunity to conduct an interview with any incarcerated person, correctional staff, or
8 other person. This access is for the purposes of:

9 (1) Providing information about individual rights and the services available
10 from the office, including contact information of the office and office staff;

11 (2) Conducting official inspections under section 218.035;

12 (3) Conducting official investigations under section 218.040; and

13 (4) Inspecting, viewing, photographing, and video recording all areas of the
14 facility that are used by incarcerated people or are accessible to incarcerated people.

15 2. Access to incarcerated people and correctional staff includes the opportunity
16 to meet and communicate privately and confidentially with individuals regularly, with
17 or without prior notice, both formally and informally, by telephone, mail, electronic
18 communication, and in person. In the case of communications with incarcerated people,
19 these communications shall not be monitored by, recorded, or conducted in the presence
20 of correctional staff.

21 3. The office has the right to access, inspect, and copy all relevant information,
22 records, or documents in the possession or control of the department that the office
23 considers necessary in an investigation of a complaint filed under this section, and the
24 department shall assist the office in obtaining the necessary releases for those
25 documents that are specifically restricted or privileged for use by the office.

26 4. Following notification from the office with a written demand for access to
27 department records, the designated department staff shall provide the office with access
28 to the requested documentation not later than twenty days after the office's written
29 request for the records. When the records requested by the office pertain to the death,
30 threats of bodily harm including, but not limited to, sexual or physical assaults, or the
31 denial of necessary medical treatment of an incarcerated person, the records shall be
32 provided within five days unless the office consents to an extension of that time frame.

33 5. The office shall work with the department to minimize disruption to the
34 operations of the department due to office activities and shall comply with the
35 department's security clearance processes, provided these processes do not impede the
36 activities outlined in this section.

37 6. The office shall have the power to subpoena department records, employees,
38 or contractors.

39 7. Except as provided under section 218.018, the department shall have an
40 affirmative duty to provide data related to the collection and dissemination of
41 information under chapter 610.

 218.018. 1. Correspondence and communication with the office is confidential
2 and shall not be considered a public record, subject to the provisions of chapter 610, or
3 subject to discovery by subpoena or court order.

4 2. The office shall establish confidentiality rules and procedures for all
5 information maintained by the office to ensure that:

6 (1) Correctional staff are not aware of the identity of a complainant before,
7 during, and after an investigation to the greatest extent practicable. The office may
8 disclose identifying information for the sole purpose of carrying out an investigation;
9 and

10 (2) Other people in department of corrections custody are not aware of the
11 identity of a complainant before, during, and after an investigation to the greatest extent
12 practicable. The office may disclose identifying information for the sole purpose of
13 carrying out an investigation.

 218.019. 1. By December thirty-first of each calendar year, the office shall
2 produce an annual report to be made available to the public on the internet and to be

3 delivered to the governor, the attorney general, the general assembly, and the director of
4 the department. The report shall include:

5 (1) A summary of the office's inspections and complaint investigations
6 conducted that calendar year, including the office's findings and recommendations
7 and the department's responses and corrective actions;

8 (2) A characterization of the conditions in facilities for incarcerated people and
9 correctional staff;

10 (3) A summary of available educational and rehabilitative programming, drug
11 and mental health treatment, jobs, and vocational training available to incarcerated
12 people;

13 (4) A summary of visitation policies and procedures;

14 (5) A summary of medical facilities and medical procedures and policies;

15 (6) A summary of the lockdowns reviewed by the office;

16 (7) A summary of the staffing at each facility and in the department overall;

17 (8) A summary of physical and sexual assaults reviewed by the office;

18 (9) A summary of any incarcerated person or correctional staff deaths that
19 occurred at a facility;

20 (10) A summary of the office's investigations, findings, and resolutions of any
21 complaints submitted under section 218.050, 218.055, or 218.060;

22 (11) A summary of the pending and settled lawsuits during the last calendar year
23 in which the department or any of its correctional staff is a party and which relate to
24 any covered issues, as defined in section 218.050, with a description of the nature of the
25 claims, their date and location, and attorney's fees, court costs, and settlement costs
26 spent by the department, its contractors, or the state;

27 (12) A summary of the criminal prosecutions of incarcerated people or
28 correctional staff initiated or concluded during the last calendar year with a description
29 of the date and location of the alleged offenses, the nature of the charges, and any
30 adjudication or disposition of the case; and

31 (13) Recommendations to the general assembly and the department including,
32 but not limited to, the following:

33 (a) How the office and the department should be funded and staffed;

34 (b) Improving correctional staff retention, training, working conditions,
35 compensation, benefits, morale, and safety;

36 (c) Improving incarcerated person health, safety, conditions of confinement, and
37 medical care;

38 (d) Improving visitation and limiting use of lockdowns and administrative
39 segregation, restrictive housing, or solitary confinement;

- 40 (e) Improving complaint investigation and resolution;
- 41 (f) Improving access to and quality and availability of educational and
- 42 rehabilitative programming, drug and mental health treatment, and incarcerated
- 43 person jobs and vocational training;
- 44 (g) Improving transparency about conditions in the facilities and the department
- 45 overall;
- 46 (h) Improving the disciplinary process to hold correctional staff accountable for
- 47 mistreatment of incarcerated people; and
- 48 (i) Preventing future violations of incarcerated people and correctional staff's
- 49 rights as protected under state and federal law.

50 2. If the office so requests, the department shall, within the time specified,

51 inform the office in writing about any action taken on the recommendations or the

52 reasons for not complying with the recommendations.

218.020. 1. Before January 1, 2027, there shall be established a "Corrections

2 Transparency Committee", consisting of the following members:

- 3 (1) Two members of the senate who are appointed by the president pro tempore
- 4 of the senate and who are not members of the same political party. The president pro
- 5 tempore shall select one of these members to serve as a co-chair;
- 6 (2) Two members of the house of representatives who are appointed by the
- 7 speaker of the house of representatives and who are not members of the same political
- 8 party. The speaker shall select one of these members to serve as a co-chair;
- 9 (3) The following members, who are appointed by the governor:
- 10 (a) One representative of the Missouri Corrections Officers' Association or who
- 11 was formerly employed as a correctional employee in this state or any other state;
- 12 (b) One representative of a prisoner advocacy organization;
- 13 (c) One representative of an organization that provides training or rehabilitation
- 14 programs for incarcerated people;
- 15 (d) One man who was formerly incarcerated in a department facility;
- 16 (e) One woman who was formerly incarcerated in a department facility;
- 17 (f) One physician, currently licensed or retired, with experience in family
- 18 medicine or internal medicine;
- 19 (g) One mental or behavioral health professional, currently licensed or retired in
- 20 good standing, who has a history of providing mental health services or counseling to
- 21 adults; and
- 22 (h) One person who is a grandparent, parent, child, sibling, or spouse or
- 23 domestic partner of a person currently incarcerated in a department facility.

24 **2. Members appointed to the committee under this section shall serve three-year**
25 **terms.**

26 **3. Members appointed to the committee under this section shall not be current**
27 **correctional staff. The committee shall develop a recusal process for members with**
28 **parents, children, spouses, or domestic partners who are current correctional staff or**
29 **who have themselves been correctional staff in the last five years to avoid conflicts of**
30 **interest around particular topics, facilities, or nominees. With the exception of the**
31 **members specified in paragraphs (a) and (c) of subdivision (3) of subsection 1 of this**
32 **section, committee members shall not have been correctional staff at any time within**
33 **five years of their appointment to the committee.**

34 **4. The committee shall meet whenever there is a vacancy in the transparency**
35 **advocate position, as the co-chairs deem necessary, or on the call of the majority of the**
36 **members.**

37 **5. Notwithstanding the provisions of this section to the contrary, the initial terms**
38 **of committee members who are appointed under this section shall be as follows:**

39 **(1) Two terms ending January 1, 2029;**

40 **(2) Five terms ending January 1, 2030; and**

41 **(3) Five terms ending January 1, 2031.**

42 **6. The governor shall make all subsequent appointments as prescribed by**
43 **statute.**

44 **7. The committee shall hold at least one public hearing each year to present,**
45 **review, and discuss the office's inspections, findings, reports, and recommendations set**
46 **forth in the office's annual report, as described in this section, and shall hold quarterly**
47 **public hearings to present, review, and discuss any other data, reports, or findings of the**
48 **office that the committee determines are relevant. At such hearings, the committee may**
49 **solicit and receive written or oral testimony from experts, members of the community,**
50 **the office, or the department.**

51 **8. The committee may, in its discretion or upon request from the office, issue**
52 **findings, recommendations, and policy and legislative proposals that shall be provided**
53 **to the department, governor, and general assembly, and made available to the public on**
54 **the office's website.**

55 **9. The committee shall have the power to subpoena department records or**
56 **correctional staff only in the event that the position of transparency advocate is vacant.**

57 **10. Accompanied by the office, the committee shall schedule planned visits to**
58 **two different correctional facilities during each calendar year.**

59 **11. The committee shall appoint a transparency advocate, who shall serve a term**
60 **of six years, during which term the transparency advocate may be removed only by a**
61 **majority vote of the committee and only for good cause.**

62 **12. The transparency advocate shall not be current correctional staff and the**
63 **transparency advocate's family members shall not be current correctional staff.**

64 **13. The committee shall announce the transparency advocate nominee publicly**
65 **and shall vote to appoint the nominee after holding a public hearing, during which time**
66 **the committee shall hear and consider oral or written testimony from the transparency**
67 **advocate nominee, any witness the transparency advocate nominee presents on his or**
68 **her behalf, and any members of the public. The transparency advocate shall take office**
69 **upon a majority vote of the committee in his or her favor. In the event of a vacancy, the**
70 **committee shall announce a nominee within six months of the resignation, removal, or**
71 **expiration of the term of the sitting transparency advocate.**

218.035. 1. The office shall conduct periodic inspections of each department
2 **facility.**

3 **2. The office shall conduct an inspection of each correctional facility and release**
4 **a public report before August 28, 2028.**

5 **3. Subsequent inspections of each facility shall be conducted on a staggered**
6 **schedule dependent on the facility's safety and compliance classification.**

7 **4. The office shall conduct a complete inspection of a department facility that**
8 **covers all matters pertinent to the welfare of staff and incarcerated people within the**
9 **facility including, but not limited to, an assessment of all of the following:**

10 **(1) Policies and procedures in place by the facility related to care of incarcerated**
11 **people;**

12 **(2) Conditions of confinement and conditions affecting correctional staff;**

13 **(3) Availability of educational and rehabilitative programming, drug and mental**
14 **health treatment, and vocational training and jobs available to incarcerated people;**

15 **(4) Policies and procedures related to visitation;**

16 **(5) Medical facilities and medical procedures and policies;**

17 **(6) Review of lockdowns at the facility in the time since the last audit. In the**
18 **instance of an initial assessment, the office shall review lockdowns from the last three**
19 **years;**

20 **(7) Review of staffing at the facility, including the number and job assignments**
21 **of correctional staff, the ratio of correctional staff to incarcerated people at the facility,**
22 **and the correctional staff position vacancy rate at the facility;**

23 **(8) Review of physical and sexual assaults at the facility in the time since the last**
24 **inspection. In the instance of an initial assessment, the office shall review assaults from**
25 **the last three years;**

26 **(9) Review of any incarcerated person or correctional staff deaths that occurred**
27 **at the facility in the time since the last inspection. In the instance of an initial**
28 **assessment, the office shall review incarcerated person and correctional staff deaths**
29 **from the last three years;**

30 **(10) Review of correctional staff recruitment, training, supervision, and**
31 **discipline;**

32 **(11) Review of all programming within the facility, including type of**
33 **programming, program eligibility, and length of waiting list if applicable; and**

34 **(12) Any other aspect of the operation of the facility that the office deems**
35 **necessary over the course of an inspection.**

36 **5. Upon completion of an inspection, the office shall produce a report to be made**
37 **available to the public on the internet, and to be delivered to the governor, the attorney**
38 **general, the general assembly, and the director of the department. The report shall**
39 **include:**

40 **(1) A summary of the facility's policies and procedures related to care of the**
41 **incarcerated population;**

42 **(2) A characterization of the conditions of confinement and the effect on**
43 **correctional staff;**

44 **(3) A catalog of available educational and rehabilitative programming, drug and**
45 **mental health treatment, and vocational training and jobs for incarcerated people;**

46 **(4) A summary of visitation policies and procedures;**

47 **(5) A summary of medical facilities and medical procedures and policies;**

48 **(6) A summary of the lockdowns reviewed by the office;**

49 **(7) A summary of the staffing at the facility, including policies relating to**
50 **correctional staff recruitment, training, supervision, and discipline;**

51 **(8) A summary of physical and sexual assaults reviewed by the office;**

52 **(9) A summary of incarcerated person or correctional staff deaths that occurred**
53 **at the facility;**

54 **(10) Recommendations made to the facility to improve safety and conditions**
55 **within the facility; and**

56 **(11) Safety and compliance classification with recommended timeline for the**
57 **next inspection.**

58 **6. Upon completion of an inspection, the office shall assign the facility a safety**
59 **and compliance classification. This classification system shall be divided into two tiers.**
60 **The tiers are as follows:**

61 **(1) Tier 1, requires subsequent inspection within six months and shall be used**
62 **for maximum security facilities and facilities that present clear violations of rights; risks**
63 **to the health, safety, or welfare of incarcerated people or correctional staff; or severe**
64 **lack of quality programming for the successful rehabilitation of incarcerated people;**
65 **and**

66 **(2) Tier 2, requires subsequent inspection within twelve months and shall be**
67 **used for all other facilities other than those described as Tier 1.**

68 **7. The department shall respond in writing to each inspection report issued by**
69 **the office within sixty days of the issuance of the report, and its response shall include a**
70 **corrective action plan. The office shall monitor the department's compliance with the**
71 **corrective action plan and may conduct further inspections or investigations as**
72 **necessary to ensure such compliance.**

218.040. 1. The office may initiate and attempt to resolve an investigation upon
2 **its own initiative, or upon receipt of a complaint from an incarcerated person, a**
3 **correctional staff member, a family member, a representative of an incarcerated person,**
4 **or others, regarding any of the following that may adversely affect the health, safety,**
5 **welfare, and rights of incarcerated people or the health, safety, and welfare of**
6 **correctional staff:**

7 **(1) Abuse, neglect, or physical or sexual violence or threat thereof;**

8 **(2) Facility conditions, including those affecting correctional staff and conditions**
9 **of confinement;**

10 **(3) Department decisions or administrative actions;**

11 **(4) Department inactions or omissions;**

12 **(5) Department policies, rules, or procedures; or**

13 **(6) Alleged violations of law by correctional staff that may adversely affect the**
14 **health, safety, welfare, and rights of incarcerated people or correctional staff.**

15 **2. The office may decline to investigate any complaint. If the office does not**
16 **investigate a complaint, the office shall notify the complainant in writing of the decision**
17 **not to investigate and the reasons for the decision.**

18 **3. The office shall:**

19 **(1) Confirm receipt of the complaint or inquiry within five business days;**

20 **(2) Make a determination as to whether an investigation is warranted within**
21 **seven business days of the confirmation of receipt of complaint and notify the**
22 **complainant; and**

23 (3) If the office has determined an investigation is unwarranted, the office shall
24 provide a written statement regarding its decision to the complainant.

25 4. Any action or lack of action on a complaint by the office shall not be deemed
26 an administrative procedure required for exhaustion of remedies prior to bringing an
27 action under the Prison Litigation Reform Act, 42 U.S.C. Section 1997e et seq.

28 5. The office shall not investigate a complaint relating to an incarcerated
29 person's underlying criminal conviction.

30 6. The office shall not investigate a complaint from correctional staff that relates
31 to the correctional staff's employment relationship with the department unless the
32 complaint is related to the health, safety, and welfare of incarcerated people or
33 correctional staff or the rehabilitation of incarcerated people.

34 7. The office may refer the complainant and others to appropriate resources or
35 state or federal agencies.

36 8. The office shall not levy any fees for the submission or investigation of
37 complaints. At the conclusion of an investigation of a complaint, the office shall render
38 a public decision on the merits of each complaint, except that the documents supporting
39 the decision are subject to the confidentiality provisions of sections 218.010 to 218.065.
40 The office shall communicate the decision to the complainant, if known, and to the
41 department. The office shall state its recommendations and reasoning if, in the office's
42 opinion, the department or any correctional staff thereof shall:

43 (1) Consider the matter further;

44 (2) Modify or cancel any action;

45 (3) Alter a rule, practice, or ruling;

46 (4) Explain in detail the administrative action in question; or

47 (5) Rectify an omission.

48 10. If the office so requests, the department shall, within the time specified,
49 inform the office in writing about any action taken on the recommendations or the
50 reasons for not complying with the recommendations.

51 11. If the office believes, based on the investigation, that there has been or
52 continues to be a significant health, safety, welfare, or rehabilitation issue, the office
53 shall report the finding to the governor, the attorney general, the general assembly, and
54 the director of the department.

55 12. In the event that the department conducts an internal disciplinary
56 investigation and review of one or more of its staff members as a result of an office
57 investigation, the department's disciplinary review may be subject to additional review
58 and investigation by the office to ensure a fair and objective process.

59 **13. Before announcing a conclusion or recommendation that expressly, or by**
60 **implication, criticizes a person or the department, the office shall consult with that**
61 **person or the department. The office may request to be notified by the department,**
62 **within a specified time, of any action taken on any recommendation presented.**

63 **14. The department and its correctional staff shall not discharge, retaliate**
64 **against, or in any manner discriminate against any person because such person has filed**
65 **any complaint or instituted or caused to be instituted any proceeding under this section.**

66 **15. Any alleged discharge, retaliation against, or discrimination against a**
67 **complainant may be considered by the office as an appropriate subject of an**
68 **investigation.**

69 **16. Any correctional staff who believes that he or she has been discharged or**
70 **otherwise discriminated against by any person in violation of this section may, within**
71 **thirty days after such violation occurs, file a complaint under section 285.575.**

218.050. 1. The office shall create a secure online form, referred to in this section
2 **as the "family form", to be made available on the office's website, wherein family**
3 **members, friends, and advocates can submit complaints and inquiries regarding**
4 **covered issues on behalf of an individual incarcerated within the department. Upon**
5 **receipt of a family form, the office shall:**

6 **(1) Confirm receipt of the complaint or inquiry within five business days;**

7 **(2) Determine whether an investigation is warranted within seven business days**
8 **of the confirmation of receipt of complaint and notify the complainant; and**

9 **(3) If the office determines an investigation is unwarranted, provide a written**
10 **statement regarding its decision to the complainant.**

11 **2. The office shall create a secure online form, referred to in this section as the**
12 **"incarcerated person form", to be made available on the department's secure intranet,**
13 **wherein incarcerated people may submit complaints and inquiries regarding covered**
14 **issues on their behalf.**

15 **3. The director of the department shall ensure that the incarcerated person form**
16 **is available on at least twelve computers within each facility and accessible to all**
17 **incarcerated people from 7:00 a.m. to 7:00 p.m. each day. For incarcerated people in**
18 **administrative segregation or solitary confinement, the department shall ensure that**
19 **correctional staff provide incarcerated people with access to the incarcerated person**
20 **form on a computer or computer tablet or by providing a paper copy upon the**
21 **incarcerated person's request. The department shall make paper copies of the**
22 **incarcerated person form available, at no cost to incarcerated people, in each facility's**
23 **library, law library, and recreational and medical facilities.**

24 **4. The office shall create the incarcerated person form in a secure format that**
25 **excludes any electronic monitoring or reproduction by the department and correctional**
26 **staff. Any submissions of paper copies of the incarcerated person form shall be treated**
27 **as confidential and privileged by correctional staff in the same manner as legal**
28 **correspondence or communication.**

218.055. The office shall create a telephone hotline through which family
2 **members, friends, and advocates of incarcerated people can call to file complaints and**
3 **inquiries regarding covered issues on behalf of an individual incarcerated within the**
4 **department.**

218.060. The office shall create a secure telephone hotline to be made available to
2 **all incarcerated people and correctional staff to file complaints and inquiries regarding**
3 **covered issues on their behalf. The director of the department shall ensure that the**
4 **hotline and its use are made available to all incarcerated people free of charge. The**
5 **director of the department shall ensure that calls to the hotline are not monitored or**
6 **recorded by correctional staff.**

218.065. 1. The department and its correctional staff shall not discharge,
2 **retaliate against, or in any manner discriminate against any person because such person**
3 **has filed any complaint or instituted or caused to be instituted any proceeding initiated**
4 **under sections 218.010 to 218.065.**

2. Any alleged discharge, retaliation against, or discrimination against a
6 **complainant may be considered by the office as an appropriate subject of an**
7 **investigation.**

3. Any correctional staff who believes that he or she has been discharged or
9 **otherwise discriminated against by any person in violation of this section may, within**
10 **thirty days after such violation occurs, file a complaint under section 285.545.**

4. Any action or lack of action by the office on a complaint made under this
12 **section shall not be deemed an administrative procedure required for exhaustion of**
13 **remedies prior to bringing an action under the Prison Litigation Reform Act, 42 U.S.C.**
14 **Section 1997e et seq.**

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