

SECOND REGULAR SESSION

HOUSE BILL NO. 2832

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

5839H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 218, RSMo, by adding thereto twelve new sections relating to the oversight of department of corrections facilities.

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

Section A. Chapter 218, RSMo, is amended by adding thereto twelve new sections, to be known as sections 218.010, 218.015, 218.020, 218.025, 218.030, 218.035, 218.040, 218.045, 218.050, 218.055, 218.060, and 218.065, to read as follows:

- 218.010. For purposes of sections 218.010 to 218.065, the following terms mean:**
- (1) "Covered issues", includes, but is not limited to:**
 - (a) Sanitation in prison facilities;**
 - (b) Access to proper nutrition;**
 - (c) Livable temperatures in prison facilities;**
 - (d) Physical or sexual abuse from fellow inmates;**
 - (e) Physical or sexual abuse from department staff or contractors;**
 - (f) Credible threats against an inmate from other inmates, staff, or contractors;**
 - (g) Neglect of prison staff or contractors that results in physical or sexual trauma;**
 - (h) Denial of rights afforded to inmates 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 to constitute abuse or neglect against an inmate;**
 - (k) Access to medical or mental health care or substance abuse treatment; or**

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 (1) Access to educational and rehabilitative programming, drug and mental
17 health treatment, and inmate jobs and vocational training;
18 (2) "Department", the department of corrections;
19 (3) "Family member", includes a grandparent, parent, sibling, spouse or
20 domestic partner, child, aunt, uncle, cousin, niece, nephew, grandchild, or any other
21 person related to an individual by blood, adoption, marriage, or a foster relationship;
22 (4) "Office", the office of the department of corrections ombudsman;
23 (5) "Ombudsman", the state ombudsman for inmates in the custody of the
24 department of corrections.

 218.015. 1. Before June 1, 2027, there shall be established the "Office of the
2 Department of Corrections Ombudsman". The office shall consist of two sections:

- 3 (1) An inspection section; and
4 (2) A complaints investigation section.
5 2. The office shall have the authority to:
6 (1) Provide information, as appropriate, to inmates, family members,
7 representatives of inmates, department employees and contractors, and others
8 regarding the rights of inmates;
9 (2) Monitor conditions of confinement and assess department compliance with
10 applicable federal, state, and department rules and regulations as related to the health,
11 safety, welfare, and rehabilitation of inmates;
12 (3) Provide technical assistance to support inmate participation in self-advocacy;
13 (4) Provide technical assistance to local governments in the creation of jail
14 oversight bodies, as requested;
15 (5) Establish a statewide uniform reporting system to collect and analyze data
16 related to complaints received by the department and data related to the following:
17 (a) Deaths, suicides, and suicide attempts in custody;
18 (b) Physical and sexual assaults in custody;
19 (c) Numbers of people placed in administrative segregation or solitary
20 confinement and duration of stay in such confinement;
21 (d) Numbers of facility lockdowns lasting longer than twenty-four hours;
22 (e) Numbers of staff vacancies at each facility;
23 (f) Inmate-to-staff ratios at each facility;
24 (g) Staff tenure and turnover; and
25 (h) Numbers of in-person visits to inmates that were made and denied at each
26 facility;

27 (6) Establish procedures to gather stakeholder input into the office's activities
28 and priorities, which shall include, at a minimum, an annual thirty-day period for
29 receipt of and office response to public comment;

30 (7) Inspect each department facility at least once every three years and for each
31 maximum security facility and each facility where the office has found cause for more
32 frequent inspection or monitoring, at least once each year; and

33 (8) Publicly issue periodic facility inspection reports and an annual report with
34 recommendations on the state of department facilities and a summary of data and
35 recommendations arising from any complaints investigated and resolved under sections
36 218.010 to 218.065 and any other thematic reports covering any topic the office finds
37 relevant to running a safe, secure, and humane department.

38 3. The office shall be directed by an ombudsman, who shall be selected by the
39 corrections oversight committee established under section 218.020 and who shall serve a
40 term of six years, during which term the ombudsman may be removed only by the
41 governor and only for good cause. The ombudsman shall not be a current or former
42 employee or contractor of the department, and the ombudsman's spouse or domestic
43 partner, parents, grandparents, children, or siblings shall not be current employees or
44 contractors of the department.

45 4. The ombudsman shall have the authority to:

46 (1) Hire staff, contractors, and unpaid volunteers and secure office space,
47 equipment, and other services necessary to carry out the duties of the office under this
48 section. Any employee, contractor, or unpaid volunteer hired or retained by the office
49 shall have the same authority and powers of the office as described in this section; and

50 (2) Contract with experts as needed to assist in the monitoring and inspection of
51 facilities, the assessment of data, and the review, investigation, or resolution of
52 complaints.

53 5. A staff member or volunteer hired by the ombudsman shall have the same
54 authority and duties of the office as described in this section. A staff member or
55 volunteer hired by the ombudsman shall not be a:

56 (1) Person with a family member who is a current inmate of the department;

57 (2) Person with a family member who is a current employee or contractor of the
58 department;

59 (3) Current employee or contractor of the department; or

60 (4) Victim or a family member of a victim of a crime committed by an inmate
61 currently in the custody of the department.

62 6. The ombudsman shall have additional authority to assist in any investigation
63 following the death of any person who dies while in custody of a jail or private detention

64 facility located in this state. When assisting with a death investigation under this
65 subsection, the ombudsman shall be given the same access to the jail or detention
66 facility, and to the records and people within the jail or detention facility, as is granted
67 to the ombudsman under section 218.025. For purposes of this subsection, "private
68 detention facility" means a detention facility that is operated by a private,
69 nongovernmental entity operating pursuant to a contract agreement with a federal,
70 state, or local governmental entity.

218.020. 1. Before March 1, 2027, there shall be established a "Corrections
2 Oversight 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 a prisoner advocacy organization;

11 (b) One representative of an organization that provides training or
12 rehabilitation programs for incarcerated inmates;

13 (c) One man who was formerly incarcerated in a department facility;

14 (d) One woman who was formerly incarcerated in a department facility;

15 (e) One physician, currently licensed or retired, with experience in family
16 medicine or internal medicine;

17 (f) One mental or behavioral health professional, currently licensed or retired,
18 who has a history of providing mental health services or counseling to adults;

19 (g) One person who is a grandparent, parent, child, sibling, or spouse or
20 domestic partner of a person currently incarcerated in a department facility; and

21 (h) One person who was formerly employed as a correctional employee in this
22 state or any other state.

23 2. Members appointed under this section shall serve three-year terms.

24 3. Members appointed under this section shall not be current employees or
25 contractors of the department; shall not have parents, children, or a spouse or a
26 domestic partner who are current employees or contractors of the department; and,
27 with the exception of the member in paragraph (h) of subdivision (3) of subsection 1 of
28 this section, shall not have been an employee or contractor of the department at any
29 time within ten years of his or her appointment to the committee.

30 **4. The committee shall meet whenever there is a vacancy in the ombudsman**
31 **position, as the co-chairs deem necessary, or on the call of the majority of the members.**

32 **5. Committee members are not eligible to receive compensation but are eligible**
33 **for reimbursement of expenses.**

34 **6. The committee shall announce the ombudsman nominee publicly and shall**
35 **vote to appoint the nominee after holding a public hearing, during which the committee**
36 **shall hear and consider oral or written testimony from the ombudsman nominee, any**
37 **witnesses the ombudsman nominee presents on his or her behalf, and any members of**
38 **the public. The ombudsman nominee shall take office upon a majority vote of the**
39 **committee in his or her favor.**

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

42 **(1) One term ending January 1, 2029;**

43 **(2) Two terms ending January 1, 2030; and**

44 **(3) Two terms ending January 1, 2031.**

45 **8. The governor shall make all subsequent appointments as prescribed by**
46 **statute.**

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

54 **10. The committee may, in its discretion or upon request from the office, issue**
55 **findings, recommendations, and policy and legislative proposals that shall be provided**
56 **to the department, governor, and house and senate committees responsible for judicial**
57 **matters and made available to the public on the office's website.**

58 **11. The committee shall be given the same access to facilities, records, and people**
59 **within facilities as the office receives under section 218.025. The committee shall have**
60 **the power to subpoena department records, employees, or contractors.**

61 **12. Accompanied by the office, the committee shall visit two different**
62 **correctional facilities during each calendar year.**

218.025. 1. The office shall have reasonable access, upon demand in person or in
2 **writing and with or without prior notice, to all department facilities, including all areas**
3 **that are used by inmates, all areas which are accessible to inmates, and to programs for**
4 **inmates at reasonable times, which at a minimum shall include normal working hours**

5 and visiting hours. This authority includes the opportunity to conduct an interview with
6 any inmate, department employee or contractor, or other person. This access is for the
7 purposes of:

8 (1) Providing information about individual rights and the services available
9 from the office, including the name, address, and telephone number of the office
10 facilities or staff;

11 (2) Conducting official inspections under section 218.035;

12 (3) Conducting an official investigation under section 218.040; and

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

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

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 request 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. Where the records requested by the office pertain to an inmate
30 death, threats of bodily harm including, but not limited to, sexual or physical assaults,
31 or the denial of necessary medical treatment, the records shall be provided within five
32 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.

218.030. 1. Correspondence and communication with the office is confidential
2 and shall be protected as privileged correspondence in the same manner as legal
3 correspondence or communication.

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

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

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

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

3 2. The office shall conduct an inspection of each department prison facility and
4 release a public report before August 28, 2029.

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. An inspection of a department facility shall include an assessment of all of the
8 following:

9 (1) Policies and procedures in place by the facility related to care of inmates;

10 (2) Conditions of confinement;

11 (3) Availability of educational and rehabilitative programming, drug and mental
12 health treatment, and inmate jobs and vocational training;

13 (4) Policies and procedures related to visitation;

14 (5) Medical facilities and medical procedures and policies;

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

18 (7) Review of staffing at the facility, including the number and job assignments
19 of correctional staff, the ratio of staff to inmates at the facility, and the staff position
20 vacancy rate at the facility;

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

24 (9) Review of any inmate or staff deaths that occurred at the facility in the time
25 since the last inspection. In the instance of an initial assessment, the office shall review
26 inmate and staff deaths from the last three years;

27 (10) Review of department staff recruitment, training, supervision, and
28 discipline; and

29 (11) Any other aspect of the operation of the facility that the office deems
30 necessary over the course of an inspection.

31 5. Upon completion of an inspection, the office shall produce a report to be made
32 available to the public on the internet and to be delivered to the governor, the attorney
33 general, the senate committee responsible for judicial matters, the house committee
34 responsible for judicial matters, and the director of the department. The report shall
35 include:

36 (1) A summary of the facility's policies and procedures related to care of the
37 inmates;

38 (2) A characterization of the conditions of confinement;

39 (3) A catalogue of available educational and rehabilitative programming, drug
40 and mental health treatment, and inmate jobs and vocational training;

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

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

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

44 (7) A summary of the staffing at the facility, including policies relating to staff
45 recruitment, training, supervision, and discipline;

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

47 (9) A summary of any inmate or staff deaths that occurred at the facility;

48 (10) Recommendations made to the facility to improve safety and conditions
49 within the facility; and

50 (11) Safety and compliance classification with recommended timeline for the
51 next inspection.

52 6. Upon completion of an inspection, the office shall assign the facility a safety
53 and compliance classification. This classification system shall be divided into three tiers
54 and shall be determined based on the factors described in subsection 4 of this
55 subsection. The tiers are as follows:

56 (1) Tier 1, requires subsequent inspection within twelve months and shall be
57 used for maximum security facilities and facilities that present clear violations of rights,
58 risks to the safety of prisoners, or severe lack of quality programming for the successful
59 rehabilitation of individuals;

60 (2) Tier 2, requires subsequent inspection within eighteen months and thirty-six
61 months and shall be used for facilities that may have violations of rights, substandard
62 conditions of confinement, or substandard programming options; and

63 (3) Tier 3, requires subsequent inspection within thirty-six months and shall be
64 used for facilities with adequate conditions of confinement and programming options.

65 7. The department shall respond in writing to each inspection report issued by
66 the office within twenty days of the issuance of the report, and its response shall include
67 a corrective action plan. The office shall monitor the department's compliance with the
68 corrective action plan and may conduct further inspections or investigations as
69 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 inmate, a family member, a
3 representative of an inmate, a department employee or contractor, or others, regarding
4 any of the following that may adversely affect the health, safety, welfare, and rights of
5 inmates:

- 6 (1) Abuse or neglect;
- 7 (2) Conditions of confinement;
- 8 (3) Department decisions or administrative actions;
- 9 (4) Department inactions or omissions;
- 10 (5) Department policies, rules, or procedures; or
- 11 (6) Alleged violations of law by department employees or contractors that may
12 adversely affect the health, safety, welfare, and rights of inmates.

13 2. The office may decline to investigate any complaint and shall decline to
14 investigate a complaint if the inmate has failed to first utilize the department's policies
15 and procedures regarding resolution of inmate grievances. 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. Any action or lack of action on a complaint by the office shall not be deemed
19 an administrative procedure required for exhaustion of remedies prior to bringing an
20 action under the Prison Litigation Reform Act, 42 U.S.C. Section 1997e et seq.

21 4. The office shall not investigate any complaints relating to an inmate's
22 underlying criminal conviction.

23 5. The office shall not investigate a complaint from a department employee or
24 contractor that relates to the employee or contractor's employment relationship with the
25 department unless the complaint is related to the health, safety, welfare, and
26 rehabilitation of inmates.

27 6. The office may refer the complainant and others to appropriate resources or
28 state or federal agencies.

29 7. The office shall not levy any fees for the submission or investigation of
30 complaints.

31 **8. At the conclusion of an investigation of a complaint, the office shall render a**
32 **public decision on the merits of each complaint, except that the documents supporting**
33 **the decision are subject to the confidentiality provisions of sections 218.010 to 218.065.**
34 **The office shall communicate the decision to the inmate, if any, and to the department.**
35 **The office shall state its recommendations and reasoning if, in the office's opinion, the**
36 **department or any employee or contractor thereof shall:**

- 37 **(1) Consider the matter further;**
38 **(2) Modify or cancel any action;**
39 **(3) Alter a rule, practice, or ruling;**
40 **(4) Explain in detail the administrative action in question; or**
41 **(5) Rectify an omission.**

42 **9. If the office so requests, the department shall, within the time specified,**
43 **inform the office in writing about any action taken on the recommendations or the**
44 **reasons for not complying with the recommendations.**

45 **10. If the office believes, based on the investigation, that there has been or**
46 **continues to be a significant inmate health, safety, welfare, or rehabilitation issue, the**
47 **office shall report the finding to the governor, the attorney general, the senate committee**
48 **responsible for judicial matters, the house committee responsible for judicial matters,**
49 **and the director of the department.**

50 **11. In the event that the department conducts an internal disciplinary**
51 **investigation and review of one or more of its staff members as a result of an office**
52 **investigation, the department's disciplinary review may be subject to additional review**
53 **and investigation by the office to ensure a fair and objective process.**

54 **12. Before announcing a conclusion or recommendation that expressly, or by**
55 **implication, criticizes a person or the department, the office shall consult with that**
56 **person or the department. The office may request to be notified by the department,**
57 **within a specified time, of any action taken on any recommendation presented.**

58 **13. The department and its employees and contractors shall not discharge,**
59 **retaliate against, or in any manner discriminate against any person because such person**
60 **has filed any complaint or instituted or caused to be instituted any proceeding under**
61 **this section.**

62 **14. Any alleged discharge, retaliation against, or discrimination against a**
63 **complainant may be considered by the office as an appropriate subject of an**
64 **investigation.**

65 **15. Any department employee or contractor who believes that he or she has been**
66 **discharged or otherwise discriminated against by any person in violation of this section**

67 may, within thirty days after such violation occurs, file a complaint under section
68 285.575.

218.045. 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 senate committee responsible for
4 judicial matters, the house committee responsible for judicial matters, and the director
5 of the department. The report shall include:

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

9 (2) A characterization of the conditions of confinement;

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

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

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

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

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

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

17 (9) A summary of any inmate or staff deaths that occurred at a facility;

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

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

25 (12) A summary of the criminal prosecutions of department employees,
26 contractors, or inmates initiated or concluded during the last calendar year with a
27 description of the date and location of the alleged offenses, the nature of the charges,
28 and any adjudication or disposition of the case; and

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

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

32 (b) Improving staff retention, training, working conditions, compensation,
33 benefits, morale, and safety;

34 (c) Improving inmate health, safety, conditions of confinement, and medical
35 care;

- 36 (d) Improving visitation and limiting use of lockdowns and administrative
37 segregation or solitary confinement;
- 38 (e) Improving complaint investigation and resolution;
- 39 (f) Improving access to and quality and availability of educational and
40 rehabilitative programming, drug and mental health treatment, and inmate jobs and
41 vocational training;
- 42 (g) Improving transparency about conditions in the facilities and the department
43 overall;
- 44 (h) Improving the disciplinary process to hold staff accountable for
45 mistreatment of inmates; and
- 46 (i) Preventing future violations of inmate rights as protected under state and
47 federal law.

48 2. 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.

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 "inmate form", to be made available on the department secure intranet wherein
13 inmates may submit complaints and inquiries regarding covered issues on their behalf.

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

22 **4. The office shall create the inmate form in a secure format that excludes any**
23 **electronic monitoring or reproduction by the department and its employees and**
24 **contractors. Any inmate submissions of paper copies of the inmate form shall be treated**
25 **as confidential and privileged by department employees and contractors in the same**
26 **manner as legal correspondence or communication.**

27 **5. The office shall:**

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

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

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

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

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

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

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

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

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

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

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

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

5 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.

8 3. Any department employee or contractor who believes that he or she has been
9 discharged or otherwise discriminated against by any person in violation of this section
10 may, within thirty days after such violation occurs, file a complaint under section
11 285.545.

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

✓