

House Engrossed Senate Bill

~~independent corrections ombudsman; auditor general~~  
(now: corrections; reports; oversight office)

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

# **SENATE BILL 1507**

AN ACT

AMENDING SECTION 41-1604, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1610.02, ARIZONA REVISED STATUTES; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 59; RELATING TO STATE GOVERNMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 41-1604, Arizona Revised Statutes, is amended to  
3 read:  
4       41-1604. Duties and powers of director  
5       A. The director shall:  
6        1. Be responsible for the overall operations and policies of the  
7 department.  
8        2. Maintain and administer all institutions and programs within the  
9 department, including prisons, reception and diagnostic centers,  
10 conservation camps, community correctional centers and such other  
11 facilities and programs as may be required and established for the  
12 custody, control, correction, treatment and rehabilitation of all adult  
13 offenders who are committed to the department.  
14        3. Be responsible for the administration and execution of all  
15 community supervision services, including those for adult offenders who  
16 are released in accordance with law.  
17        4. Develop a program to provide uniform statewide community  
18 supervision field services in this state and employ parole or community  
19 supervision officers based on qualifications prescribed by the director,  
20 including physical, psychological and educational qualifications and  
21 practical experience.  
22        5. Be responsible for the development of policies and programs that  
23 shall be recommended to the governor and the legislature for the purpose  
24 of improving the various adult correctional programs of this state.  
25        6. Develop and establish a uniform statewide method of reporting  
26 statistics as related to this chapter.  
27        7. Subject to chapter 4, article 4 of this title, employ deputy  
28 directors and other key personnel based on qualifications prescribed by  
29 the director that require education and practical experience.  
30        8. Adopt rules pursuant to chapter 6 of this title for the  
31 development of incentives to encourage good behavior and the faithful  
32 performance of work by prisoners.  
33        9. Adopt rules pursuant to chapter 6 of this title to limit inmate  
34 access to the internet through the use of a computer, computer system,  
35 network, computer service provider or remote computing service.  
36        10. Cooperate with the Arizona-Mexico commission in the governor's  
37 office and with researchers at universities in this state to collect data  
38 and conduct projects in the United States and Mexico on issues that are  
39 within the scope of the department's duties and that relate to quality of  
40 life, trade and economic development in this state in a manner that will  
41 help the Arizona-Mexico commission to assess and enhance the economic  
42 competitiveness of this state and of the Arizona-Mexico region.

1        11. On or before December 31 of each year, submit a report to the  
2 president of the senate, the speaker of the house of representatives, the  
3 minority leader of the senate, the minority leader of the house of  
4 representatives, the chairperson of the senate judiciary committee, or its  
5 successor committee, and the chairperson of the house of representatives  
6 judiciary committee, or its successor committee, that includes all of the  
7 following:

8        (a) The number of inmate deaths while the inmate was in custody,  
9 including suicides, and the number of suicide attempts while the inmate  
10 was in custody.

11        (b) The number of physical and sexual assaults in custody.

12        (c) The number of inmates who were placed in administrative  
13 segregation or solitary confinement and the duration of stay in  
14 segregation or confinement.

15        (d) The number of facility lockdowns that lasted longer than  
16 twenty-four hours.

17        (e) The number of staff, the tenure of each staff member, the staff  
18 turnover rate, staff vacancies and staff compensation at each facility.

19        (f) The number of inmates at each facility.

20        (g) The inmate-to-staff ratio at each facility.

21        (h) The number of in-person visits that were made for each inmate at  
22 each facility.

23        (i) The number of in-person visits that were denied for each inmate  
24 at each facility.

25        (j) The number of inmate complaints or grievances that were  
26 submitted to the department, the department's resolution of the complaint  
27 or grievance pursuant to the administrative remedies process and the  
28 amount of time it took the department to resolve each complaint or  
29 grievance.

30        B. The director may:

31        1. Adopt rules to implement the purposes of the department and the  
32 duties and powers of the director.

33        2. Take any administrative action to improve the efficiency of the  
34 department, including the following:

35        (a) Create new divisions or units or consolidate divisions or  
36 units.

37        (b) Subject to chapter 4, article 4 of this title, transfer  
38 employees between the various divisions and units of the department.

39        (c) Shift duties between divisions or units.

40        (d) Delegate to appropriate personnel the administrative functions,  
41 powers or duties that the director believes can be competently,  
42 efficiently and properly performed. The director shall not delegate the  
43 responsibilities in subsection A, paragraphs 1 and 5 of this section.

(e) Transfer adult inmates between adult institutions or adult facilities.

(f) Authorize work crews to perform acceptable tasks in any part of this state.

(g) Accept unconvicted persons pursuant to a court order for the purposes of examination and treatment regarding competency to understand any stage of a criminal proceeding after indictment or information or their ability to assist in their own defense.

(h) Accept convicted yet unsentenced persons pursuant to a court order for the purposes of conducting a mental health examination or a diagnostic evaluation.

(i) Subject to chapter 4, article 4 and, as applicable, article 5 of this title, appoint certain employees of the department to peace officer status for the purposes of guarding, transporting or pursuing persons who are under the jurisdiction of the department and appoint certain employees of the department to peace officer status for the purposes of investigating or arresting persons who commit or attempt to commit offenses directly relating to the operations of the department. Peace officers of the department shall not preempt the authority and jurisdiction of established agencies of this state and political subdivisions of this state. Such officers shall notify agencies of this state and political subdivisions of this state before conducting an investigation within the jurisdiction of the agency and before making an arrest within the jurisdiction of the agency and shall ask, except in an emergency, if the agency wishes to participate, perform the investigation or arrest the person to be arrested before proceeding. Personnel who are appointed as peace officers by the director shall have the minimum qualifications established for peace officers pursuant to section 41-1822. Personnel who are appointed by the director pursuant to this subdivision are not eligible to participate in the public safety personnel retirement system except as otherwise provided in title 38, chapter 5, article 4.

(j) Operate travel reduction programs that are subsidized by the department for employees who commute between work and home by vanpools, carpools and buses or in vehicles that are purchased or leased by the department.

3. Establish by rule a onetime fee for conducting background checks on any person who enters a department facility to visit a prisoner. A fee shall not be charged for a person who is under eighteen years of age. The director may adopt rules that waive all or part of the fee. The director shall deposit, pursuant to sections 35-146 and 35-147, any monies collected pursuant to this paragraph in the department of corrections building renewal fund established by section 41-797.

1 Sec. 2. Repeal

2 Section 41-1610.02, Arizona Revised Statutes, is repealed.

3 Sec. 3. Title 41, Arizona Revised Statutes, is amended by adding  
4 chapter 59, to read:

5 CHAPTER 59

6 INDEPENDENT CORRECTIONAL OVERSIGHT OFFICE

7 ARTICLE 1. GENERAL PROVISIONS

8 41-7001. Definitions

9 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 1. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF CORRECTIONS.

11 2. "DIRECTOR" MEANS THE DIRECTOR OF THE INDEPENDENT CORRECTIONAL  
12 OVERSIGHT OFFICE.

13 3. "OFFICE" MEANS THE INDEPENDENT CORRECTIONAL OVERSIGHT OFFICE.

14 4. "RECORD" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1371.

15 41-7002. Independent correctional oversight office; director;

16 appointment; term; qualifications; powers and  
17 duties; annual report

18 A. THE INDEPENDENT CORRECTIONAL OVERSIGHT OFFICE IS ESTABLISHED.

19 THE GOVERNOR SHALL APPOINT A QUALIFIED PERSON PURSUANT TO SECTION 38-211  
20 OF SOUND JUDGMENT, OBJECTIVITY AND INTEGRITY WHO HAS EXPERIENCE IN  
21 CORRECTIONS-RELATED LAW AND POLICY TO SERVE AS THE DIRECTOR OF THE OFFICE.  
22 THE DIRECTOR SHALL SERVE FULL TIME AND FOR A TERM OF FIVE YEARS AND SHALL  
23 BE A PUBLIC OFFICER SUBJECT TO TITLE 38, CHAPTER 3, ARTICLE 8 RELATING TO  
24 CONFLICTS OF INTEREST. THE DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION  
25 PURSUANT TO SECTION 38-611. THE LEGISLATURE, BY CONCURRENT RESOLUTION  
26 RECEIVING A TWO-THIRDS MAJORITY VOTE OF THE MEMBERS OF EACH HOUSE, OR THE  
27 GOVERNOR MAY REMOVE THE DIRECTOR ONLY FOR NEGLECT OF DUTY, MISCONDUCT OR  
28 THE INABILITY TO PERFORM DUTIES. ANY VACANCY MUST BE FILLED BY SIMILAR  
29 APPOINTMENT PURSUANT TO THIS SUBSECTION FOR THE REMAINDER OF THE UNEXPIRED  
30 TERM.

31 B. A PERSON IS NOT ELIGIBLE FOR APPOINTMENT TO THE OFFICE PURSUANT  
32 TO SUBSECTION A OF THIS SECTION IF THE PERSON OR THE PERSON'S SPOUSE MEETS  
33 ANY OF THE FOLLOWING CRITERIA:

34 1. IS OR HAS BEEN EMPLOYED BY OR PARTICIPATES IN THE MANAGEMENT OF  
35 A BUSINESS OR OTHER ORGANIZATION THAT RECEIVED MONIES FROM THE DEPARTMENT  
36 WITHIN THE PREVIOUS TEN YEARS.

37 2. OWNS OR CONTROLS, DIRECTLY OR INDIRECTLY, ANY INTEREST IN A  
38 BUSINESS OR OTHER ORGANIZATION THAT RECEIVED MONIES FROM THE DEPARTMENT  
39 WITHIN THE PREVIOUS FIVE YEARS.

40 3. USES OR RECEIVES ANY AMOUNT OF TANGIBLE GOODS, SERVICES OR  
41 MONIES FROM THE DEPARTMENT.

42 4. IS REQUIRED TO REGISTER AS A LOBBYIST ON BEHALF OF A PROFESSION  
43 RELATED TO THE OPERATION OF THE DEPARTMENT.

1           C. THE OFFICE SHALL:

2           1. MONITOR THE CONDITIONS OF CONFINEMENT AND ASSESS THE  
3 DEPARTMENT'S COMPLIANCE WITH ANY APPLICABLE FEDERAL AND STATE RULES,  
4 POLICIES AND BEST PRACTICES THAT RELATE TO INMATE HEALTH, SAFETY, WELFARE  
5 AND REHABILITATION.

6           2. PROVIDE INFORMATION, AS APPROPRIATE, TO INMATES, INMATES' FAMILY  
7 MEMBERS, INMATE REPRESENTATIVES, DEPARTMENT EMPLOYEES AND CONTRACTORS AND  
8 ANY OTHER PERSONS REGARDING THE RIGHTS OF INMATES.

9           3. PROMOTE PUBLIC AWARENESS AND UNDERSTANDING OF THE RIGHTS AND  
10 RESPONSIBILITIES OF INMATES.

11           4. CREATE A SECURE TELEPHONE HOTLINE THAT IS AVAILABLE TO ALL  
12 DEPARTMENT EMPLOYEES, CONTRACTORS AND INMATES TO FILE COMPLAINTS AND MAKE  
13 INQUIRIES REGARDING ISSUES ON THEIR BEHALF.

14           5. CREATE SECURE ONLINE FORMS FOR ALL DEPARTMENT EMPLOYEES, INMATES  
15 AND INMATES' FAMILY MEMBERS TO SUBMIT COMPLAINTS ELECTRONICALLY ON THE  
16 OFFICE'S WEBSITE.

17           6. ESTABLISH PRIORITIES FOR THE USE OF THE OFFICE'S LIMITED  
18 RESOURCES.

19           7. MONITOR AND PARTICIPATE IN ANY LEGISLATIVE AND POLICY  
20 DEVELOPMENTS AFFECTING CORRECTIONAL FACILITIES IN THIS STATE.

21           8. ESTABLISH A STATEWIDE UNIFORM REPORTING SYSTEM TO COLLECT AND  
22 ANALYZE DATA RELATED TO COMPLAINTS RECEIVED BY THE DEPARTMENT.

23           9. INSPECT EACH CORRECTIONAL FACILITY AT LEAST ONCE EVERY TWO  
24 YEARS.

25           10. ADOPT ANY RULES NECESSARY TO IMPLEMENT THIS SECTION.

26           11. ESTABLISH PROCEDURES TO GATHER STAKEHOLDER INPUT INTO THE  
27 OFFICE'S ACTIVITIES AND PRIORITIES, INCLUDING SCHEDULING QUARTERLY  
28 STAKEHOLDER MEETINGS.

29           12. ON OR BEFORE DECEMBER 31 OF EACH YEAR, SUBMIT A REPORT TO THE  
30 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
31 MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE HOUSE OF  
32 REPRESENTATIVES, THE CHAIRPERSON OF THE SENATE JUDICIARY AND ELECTIONS  
33 COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF  
34 REPRESENTATIVES JUDICIARY COMMITTEE, OR ITS SUCCESSOR COMMITTEE, THAT  
35 INCLUDES ALL OF THE FOLLOWING:

36           (a) THE BUDGET AND EXPENDITURES OF THE OFFICE.

37           (b) THE NUMBER OF COMPLAINTS RECEIVED AND RESOLVED BY THE OFFICE.

38           (c) A DESCRIPTION OF SIGNIFICANT SYSTEMIC OR INDIVIDUAL  
39 INVESTIGATIONS OR OUTCOMES ACHIEVED BY THE OFFICE DURING THE PREVIOUS  
40 YEAR.

41           (d) THE NUMBER OF INMATE DEATHS WHILE THE INMATE WAS IN CUSTODY AND  
42 THE MANNER AND CAUSE OF DEATH, IF KNOWN, INCLUDING SUICIDES AND THE NUMBER  
43 OF SUICIDE ATTEMPTS WHILE THE INMATE WAS IN CUSTODY.

44           (e) THE NUMBER OF INMATES WITH A COMPLETED MEDICAL POWER OF  
45 ATTORNEY ON FILE.

(f) THE NUMBER OF INMATES WHO WERE TRANSPORTED FOR MEDICAL TREATMENT OR TO THE EMERGENCY ROOM OR WHO WERE HOSPITALIZED WHILE IN CUSTODY, INCLUDING THE DURATION OF THE STAY IN THE EMERGENCY ROOM OR THE HOSPITAL.

(g) THE NUMBER OF DRUG OVERDOSES, INCLUDING FATAL AND NONFATAL DRUG OVERDOSES, PER INMATE WHILE IN CUSTODY.

(h) THE NUMBER OF INMATES WHO HAVE A MENTAL HEALTH ASSESSMENT SCORE OF THREE OR HIGHER OR WHO ARE DESIGNATED AS SERIOUSLY MENTALLY ILL AND THE SECURITY CLASSIFICATION AND HOUSING STATUS OF EACH INMATE WHO HAS A MENTAL HEALTH ASSESSMENT SCORE OF THREE OR HIGHER OR WHO IS DESIGNATED AS SERIOUSLY MENTALLY ILL, INCLUDING THE NUMBER OF INMATES PLACED IN ISOLATION OR RESTRICTIVE HOUSING FOR ANY DURATION OF TIME IN EACH FACILITY.

(i) ANY OUTSTANDING OR UNRESOLVED CONCERNs OR RECOMMENDATIONS OF THE OFFICE.

(j) ALL OF THE FOLLOWING INFORMATION FROM THE DEPARTMENT:

(i) THE NUMBER OF PHYSICAL AND SEXUAL ASSAULTS IN CUSTODY.

(ii) THE NUMBER OF INMATES WHO WERE PLACED IN RESTRICTIVE HOUSING, ADMINISTRATIVE SEGREGATION OR SOLITARY CONFINEMENT AND THE DURATION OF STAY IN RESTRICTIVE HOUSING, ADMINISTRATIVE SEGREGATION OR SOLITARY CONFINEMENT IN EACH FACILITY.

(iii) THE NUMBER OF FACILITY LOCKDOWNS THAT LASTED TWENTY-FOUR HOURS OR LONGER.

(iv) THE NUMBER OF STAFF, THE TENURE OF EACH STAFF MEMBER, THE TURNOVER RATE, STAFF VACANCIES AND THE STAFF COMPENSATION AT EACH CITY.

(v) THE NUMBER OF INMATES AT EACH FACILITY.

(vi) THE INMATE-TO-STAFF RATIO AT EACH FACILITY.

(vii) THE NUMBER OF IN-PERSON VISITS THAT WERE MADE FOR EACH INMATE AT EACH FACILITY.

(viii) THE NUMBER OF IN-PERSON VISITS THAT WERE DENIED FOR EACH INMATE AT EACH FACILITY.

(ix) THE NUMBER OF INMATE COMPLAINTS OR GRIEVANCES THAT WERE SUBMITTED TO THE DEPARTMENT, THE DEPARTMENT'S RESOLUTION OF THE COMPLAINT OR GRIEVANCE PURSUANT TO THE ADMINISTRATIVE REMEDIES PROCESS AND THE AMOUNT OF TIME IT TOOK THE DEPARTMENT TO RESOLVE EACH COMPLAINT OR GRIEVANCE.

(x) AN OVERVIEW OF THE DEPARTMENT'S CURRENT INMATE CLASSIFICATION SCORING SYSTEM, INCLUDING THE CRITERIA AND SCORING MATRIX USED TO ASSIGN INMATE CUSTODY LEVELS, AND ANY CHANGES MADE TO THE INMATE CLASSIFICATION SCORING SYSTEM SINCE THE LAST REPORT.

(xi) THE NUMBER OF INMATES WHO ARE HOUSED IN A FACILITY OR UNIT WITH A CUSTODY LEVEL ABOVE OR BELOW THE INMATE'S ASSIGNED CLASSIFICATION LEVEL.

- (k) THE DEPARTMENT'S COMPLIANCE WITH ALL OF THE FOLLOWING:
  - (i) THE TRANSITION PROGRAM ESTABLISHED PURSUANT TO SECTION 31-281.
  - (ii) THE RELEASE AND REPORTING PROVISIONS PRESCRIBED IN SECTION

(iii) THE REQUIREMENT AS PRESCRIBED IN SECTION 41-1602 TO PROVIDE REHABILITATION, AND THE NUMBER OF INMATES WHO ENROLL, PARTICIPATE IN AND COMPLETE THE DEPARTMENT'S REHABILITATIVE SELF-IMPROVEMENT AND TREATMENT PROGRAMS BY INSTITUTION AND A DESCRIPTION OF EACH PROGRAM.

(iv) THE EARNED RELEASE CREDIT PROGRAM PURSUANT TO SECTIONS  
41-1604.06, 41-1604.07 AND 41-1604.10.

(v) THE REPORTING REQUIREMENT PURSUANT TO SECTION 41-1604.14.

(vi) THE DEPARTMENT'S OWN POLICIES REGARDING INDUSTRY-RECOMMENDED REPORTING GUIDELINES.

D. ON OR BEFORE OCTOBER 31 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE ALL OF THE INFORMATION REQUIRED BY SUBSECTION C, PARAGRAPH 12, SUBDIVISIONS (d), (e), (f), (g), (h) AND (j) OF THIS SECTION TO THE OFFICE.

41-7003. Scope of investigations; complaints; investigative authority

A. THE OFFICE MAY INITIATE AND ATTEMPT TO RESOLVE AN INVESTIGATION ON ITS OWN INITIATIVE OR AFTER RECEIVING A COMPLAINT FROM AN INMATE, INMATES' FAMILY MEMBER, INMATE REPRESENTATIVE OR DEPARTMENT EMPLOYEE OR CONTRACTOR OR ANY OTHER PERSON REGARDING ANY OF THE FOLLOWING THAT MAY ADVERSELY AFFECT INMATE HEALTH, SAFETY, WELFARE OR RIGHTS:

1. ABUSE OR NEGLECT.
2. CONDITIONS OF CONFINEMENT.
3. DEPARTMENT DECISIONS OR ADMINISTRATIVE ACTIONS.
4. DEPARTMENT INACTIONS OR OMISSIONS.
5. DEPARTMENT POLICIES, RULES OR PROCEDURES.
6. ALLEGED VIOLATIONS OF LAW BY DEPARTMENT STAFF.

B. THE OFFICE MAY DECLINE TO INVESTIGATE ANY COMPLAINT. IF THE OFFICE DOES NOT INVESTIGATE A COMPLAINT, THE OFFICE SHALL NOTIFY THE COMPLAINANT IN WRITING OF THE DECISION NOT TO INVESTIGATE AND THE REASONS FOR THE DECISION.

C. THE OFFICE MAY NOT INVESTIGATE EITHER OF THE FOLLOWING COMPLAINTS:

1. A COMPLAINT THAT RELATES TO AN INMATE'S UNDERLYING CRIMINAL CONVICTION.
2. A COMPLAINT FROM A DEPARTMENT EMPLOYEE OR CONTRACTOR THAT RELATES TO THE EMPLOYEE'S OR CONTRACTOR'S EMPLOYMENT RELATIONSHIP WITH THE DEPARTMENT UNLESS THE COMPLAINT RELATES TO INMATE HEALTH, SAFETY, WELFARE OR REHABILITATION.

D. THE OFFICE MAY REFER THE COMPLAINANT AND OTHERS TO APPROPRIATE RESOURCES OR STATE, TRIBAL OR FEDERAL AGENCIES.

1       E. THE OFFICE MAY NOT LEVY ANY FEES FOR THE SUBMISSION OR  
2 INVESTIGATION OF COMPLAINTS.

3       F. THE OFFICE SHALL REMAIN NEUTRAL AND IMPARTIAL AND MAY NOT ACT AS  
4 AN ADVOCATE FOR THE COMPLAINANT OR THE DEPARTMENT.

5       G. AFTER INVESTIGATING A COMPLAINT, THE OFFICE SHALL RENDER A  
6 PUBLIC DECISION ON THE MERITS OF EACH COMPLAINT, EXCEPT THAT THE DOCUMENTS  
7 SUPPORTING THE DECISION ARE SUBJECT TO THE CONFIDENTIALITY PROVISIONS OF  
8 SECTION 41-7005. THE OFFICE SHALL INFORM THE COMPLAINANT AND THE  
9 DEPARTMENT OF THE DECISION. THE OFFICE SHALL STATE THE OFFICE'S  
10 RECOMMENDATIONS AND REASONING IF, IN THE OFFICE'S OPINION, THE DEPARTMENT  
11 OR ANY DEPARTMENT EMPLOYEE OR CONTRACTOR SHOULD DO ANY OF THE FOLLOWING:

- 12       1. CONSIDER THE MATTER FURTHER.
- 13       2. MODIFY OR CANCEL ANY ACTION.
- 14       3. ALTER A RULE, PRACTICE OR RULING.
- 15       4. EXPLAIN IN DETAIL THE ADMINISTRATIVE ACTION IN QUESTION.
- 16       5. RECTIFY AN OMISSION.

17       H. ON THE REQUEST OF THE OFFICE, THE DEPARTMENT, WITHIN THE TIME  
18 SPECIFIED BY THE OFFICE, SHALL INFORM THE OFFICE IN WRITING ABOUT ANY  
19 ACTION TAKEN ON THE RECOMMENDATIONS OR THE REASONS FOR NOT COMPLYING WITH  
20 THE RECOMMENDATIONS.

21       I. IF THE OFFICE BELIEVES, BASED ON THE INVESTIGATION, THAT THERE  
22 HAS BEEN OR CONTINUES TO BE A SIGNIFICANT INMATE HEALTH, SAFETY, WELFARE  
23 OR REHABILITATION ISSUE, THE OFFICE SHALL REPORT THE FINDING WITHIN TEN  
24 BUSINESS DAYS TO THE GOVERNOR, THE ATTORNEY GENERAL, THE PRESIDENT OF THE  
25 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE DIRECTOR OF  
26 THE DEPARTMENT AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF  
27 STATE.

28       J. BEFORE ANNOUNCING A CONCLUSION OR RECOMMENDATION THAT EXPRESSLY  
29 OR IMPLICITLY CRITICIZES A PERSON OR THE DEPARTMENT, THE OFFICE SHALL  
30 CONSULT WITH THAT PERSON OR THE DEPARTMENT. THE OFFICE MAY REQUEST TO BE  
31 NOTIFIED BY THE DEPARTMENT, WITHIN A SPECIFIED TIME, OF ANY ACTION TAKEN  
32 ON ANY RECOMMENDATION PRESENTED.

33       K. THE OFFICE'S ACTION OR LACK OF ACTION ON A COMPLAINT MADE  
34 PURSUANT TO THIS CHAPTER IS NOT DEEMED AN ADMINISTRATIVE PROCEDURE  
35 REQUIRED FOR EXHAUSTION OF REMEDIES BEFORE BRINGING AN ACTION PURSUANT TO  
36 42 UNITED STATES CODE SECTION 1997e OR FILING A NOTICE OF CLAIM PURSUANT  
37 TO SECTION 12-821.01.

38       41-7004. Inspection; rights and services; information; access

39       A. THE OFFICE SHALL HAVE ACCESS, IN PERSON AND WITH OR WITHOUT  
40 PRIOR NOTICE, TO ALL FACILITIES, INCLUDING ALL AREAS THAT ARE USED BY OR  
41 ARE OTHERWISE ACCESSIBLE TO INMATES, DEPARTMENT STAFF AND CONTRACTORS, TO  
42 PROGRAMS FOR INMATES AT REASONABLE TIMES, INCLUDING ACCESS DURING NORMAL  
43 WORKING HOURS AND VISITING HOURS, AND TO ANY INMATE, DEPARTMENT EMPLOYEE,  
44 CONTRACTOR OR OTHER PERSON TO CONDUCT INTERVIEWS FOR THE PURPOSE OF EITHER  
45 OF THE FOLLOWING:

1. PROVIDING INFORMATION ABOUT INDIVIDUAL RIGHTS AND THE SERVICES AVAILABLE FROM THE OFFICE, INCLUDING THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE OFFICE FACILITIES OR STAFF.

## 2. CONDUCTING OFFICIAL INSPECTIONS.

B. THE OFFICE MAY ACCESS, INSPECT AND COPY ALL RELEVANT INFORMATION, RECORDS OR DOCUMENTS THAT ARE IN THE POSSESSION OR CONTROL OF THE DEPARTMENT AND THAT THE DIRECTOR CONSIDERS NECESSARY IN AN INVESTIGATION OF A COMPLAINT FILED OR TO COMPLETE ANY REPORTING REQUIREMENTS PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL ASSIST THE OFFICE IN OBTAINING THE NECESSARY RELEASES FOR ANY DOCUMENTS THAT ARE SPECIFICALLY RESTRICTED OR PRIVILEGED.

C. FOLLOWING NOTIFICATION FROM THE OFFICE WITH A WRITTEN DEMAND FOR ACCESS TO DEPARTMENT RECORDS, THE DESIGNATED DEPARTMENT STAFF SHALL PROVIDE THE OFFICE WITH ACCESS TO THE REQUESTED DOCUMENTATION NOT LATER THAN TWENTY BUSINESS DAYS AFTER THE OFFICE'S WRITTEN REQUEST FOR THE RECORDS. IF THE REQUESTED RECORDS PERTAIN TO AN INMATE DEATH, THREATS OF BODILY HARM, INCLUDING SEXUAL OR PHYSICAL ASSAULTS, OR THE DENIAL OF NECESSARY MEDICAL TREATMENT, THE DEPARTMENT SHALL PROVIDE THE RECORDS WITHIN FIVE DAYS, UNLESS THE OFFICE CONSENTS TO AN EXTENSION OF THAT TIME FRAME.

D. THE OFFICE SHALL WORK WITH THE DEPARTMENT TO MINIMIZE DISRUPTION TO THE OPERATIONS OF THE DEPARTMENT DUE TO OFFICE ACTIVITIES AND SHALL COMPLY WITH THE DEPARTMENT'S REASONABLE SECURITY CLEARANCE PROCESSES, IF THESE PROCESSES DO NOT IMPEDE THE ACTIVITIES ALLOWED BY THIS SECTION.

41-7005. Confidentiality; communications; procedures; information

A. ALL CORRESPONDENCE AND COMMUNICATION BETWEEN THE OFFICE AND THE DEPARTMENT ARE CONFIDENTIAL AND PRIVILEGED.

B. THE OFFICE SHALL ESTABLISH CONFIDENTIALITY RULES AND PROCEDURES FOR ALL INFORMATION MAINTAINED BY THE OFFICE TO ENSURE THAT THE IDENTITY OF A COMPLAINANT REMAINS CONFIDENTIAL BEFORE, DURING AND AFTER AN INVESTIGATION TO THE GREATEST EXTENT PRACTICABLE. THE OFFICE MAY DISCLOSE A COMPLAINANT'S IDENTIFYING INFORMATION FOR THE SOLE PURPOSE OF CARRYING OUT AN INVESTIGATION.

C. TO THE EXTENT THE OFFICE BELIEVES IS REASONABLY NECESSARY, THE OFFICE:

1. SHALL REVEAL INFORMATION OBTAINED IN THE COURSE OF AN INVESTIGATION TO PREVENT REASONABLY CERTAIN DEATH OR SUBSTANTIAL BODILY HARM.

2. MAY REVEAL INFORMATION OBTAINED IN THE COURSE OF AN INVESTIGATION TO PREVENT THE COMMISSION OF A CRIME.

D. IF THE OFFICE BELIEVES IT IS NECESSARY TO REVEAL INFORMATION PURSUANT TO SUBSECTION C OF THIS SECTION, THE OFFICE SHALL PROVIDE A COPY OF THE INTENDED DISCLOSURE TO THE DEPARTMENT FOR REVIEW BEFORE RELEASING THE INFORMATION TO ANY OTHER PERSON OR ENTITY. IF THE OFFICE RECEIVES

1 PERSONALLY IDENTIFYING INFORMATION ABOUT A PERSON DURING THE COURSE OF AN  
2 INVESTIGATION THAT THE OFFICE DETERMINES IS UNRELATED OR UNNECESSARY TO  
3 THE INVESTIGATION, THE OFFICE MAY NOT FURTHER DISCLOSE SUCH INFORMATION.

4 41-7006. Independent correctional oversight office;  
5 protections; immunity; exceptions

6 A. A CIVIL ACTION MAY NOT BE BROUGHT AGAINST THE DIRECTOR OR THE  
7 STAFF OF THE OFFICE FOR ANY ACTION OR OMISSION IN PERFORMING THE DUTIES  
8 UNDER THIS CHAPTER, EXCEPT FOR GROSS NEGLIGENCE OR INTENTIONAL WRONGFUL  
9 ACTS OR OMISSIONS AND EXCEPT AS PROVIDED IN TITLE 38, CHAPTER 3,  
10 ARTICLE 8.

11 B. A PROCEEDING OR DECISION OF THE DIRECTOR MAY BE REVIEWED IN  
12 SUPERIOR COURT ONLY TO DETERMINE IF IT IS CONTRARY TO THIS CHAPTER.

13 C. THE DIRECTOR AND THE STAFF OF THE OFFICE MAY NOT BE REQUIRED TO  
14 TESTIFY IN COURT REGARDING MATTERS THAT COME TO THEIR ATTENTION IN THE  
15 EXERCISE OF THEIR DUTIES, EXCEPT AS MAY BE NECESSARY TO ENFORCE THIS  
16 CHAPTER.

17 D. RECORDS AND FILES MAINTAINED BY THE DIRECTOR AND THE STAFF OF  
18 THE OFFICE ARE NOT PUBLIC RECORDS AND ARE EXEMPT FROM TITLE 39, CHAPTER 1.

19 41-7007. Corrections oversight fund

20 A. THE CORRECTIONS OVERSIGHT FUND IS ESTABLISHED CONSISTING OF  
21 LEGISLATIVE APPROPRIATIONS, FEDERAL MONIES AND PRIVATE GRANTS, GIFTS,  
22 CONTRIBUTIONS AND DEVISES. THE OFFICE SHALL ADMINISTER THE FUND.

23 B. THE DIRECTOR MAY ACCEPT AND SPEND FEDERAL MONIES AND PRIVATE  
24 GRANTS, GIFTS, CONTRIBUTIONS AND DEVISES TO ASSIST IN CARRYING OUT THE  
25 PURPOSES OF THIS CHAPTER.

26 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
27 35-190 RELATING TO LAPsing OF APPROPRIATIONS.