

REFERENCE TITLE: independent corrections ombudsman office

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2553

Introduced by
Representative Blackman

AN ACT

AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 20;
AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-3035.02; APPROPRIATING MONIES; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 20, to read:

4 CHAPTER 20

5 OFFICE OF THE INDEPENDENT CORRECTIONS OMBUDSMAN

6 ARTICLE 1. GENERAL PROVISIONS

7 41-2351. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "COVERED ISSUE" INCLUDES:

- 10 (a) SANITATION IN PRISON FACILITIES.
- 11 (b) ACCESS TO PROPER NUTRITION AND A CLEAN AND ADEQUATE WATER
12 SUPPLY.
- 13 (c) LIVABLE TEMPERATURES IN PRISON FACILITIES.
- 14 (d) PHYSICAL OR SEXUAL ABUSE FROM FELLOW INMATES.
- 15 (e) PHYSICAL OR SEXUAL ABUSE FROM DEPARTMENT STAFF OR CONTRACTORS.
- 16 (f) CREDIBLE THREATS AGAINST AN INMATE FROM OTHER INMATES, PRISON
17 STAFF OR CONTRACTORS.
- 18 (g) NEGLECT OF PRISON STAFF OR CONTRACTORS THAT RESULTS IN PHYSICAL
19 OR SEXUAL TRAUMA.
- 20 (h) DENIAL OF RIGHTS AFFORDED TO INMATES UNDER FEDERAL OR STATE
21 LAW.
- 22 (i) ACCESS TO VISITATION AND COMMUNICATION WITH FAMILY AND LEGAL
23 REPRESENTATION.
- 24 (j) ANY ACTION OR BEHAVIOR THAT CONSTITUTES ABUSE OR NEGLECT
25 AGAINST AN INMATE AS DETERMINED BY THE OFFICE.
- 26 (k) ACCESS TO MEDICAL OR MENTAL HEALTH CARE OR SUBSTANCE ABUSE
27 TREATMENT.
- 28 (l) ACCESS TO EDUCATIONAL AND REHABILITATIVE PROGRAMMING, DRUG AND
29 MENTAL HEALTH TREATMENT AND INMATE JOBS AND VOCATIONAL TRAINING.
- 30 (m) ACCESS TO THE DEPARTMENT'S ADMINISTRATIVE REMEDIES PROCESS FOR
31 INMATES AND INMATE REPRESENTATIVES, INCLUDING THE AVAILABILITY OF
32 COMPLAINT AND GRIEVANCE FORMS AND THE TIMELY AND UNBIASED RESOLUTION OF
33 GRIEVANCES.
- 34 (n) ADEQUATE AND QUALIFIED STAFF IN EACH FACILITY.
- 35 (o) CAPITAL IMPROVEMENTS OR REPAIRS THAT MAY BE NEEDED FOR
36 FACILITIES.
- 37 2. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF CORRECTIONS.
- 38 3. "FAMILY MEMBER" INCLUDES AN INMATE'S GRANDPARENT, PARENT,
39 SIBLING, SPOUSE, DOMESTIC PARTNER, CHILD, GRANDCHILD, AUNT, UNCLE, COUSIN,
40 NIECE OR NEPHEW OR ANY OTHER PERSON WHO IS RELATED TO THE INMATE BY BLOOD,
41 ADOPTION, MARRIAGE OR A FOSTERING RELATIONSHIP.
- 42 4. "GOOD CAUSE" MEANS A VIOLATION OF A FEDERAL OR STATE LAW, PUBLIC
43 CORRUPTION, FRAUD, DERELICTION OF DUTY OR ABUSE OF OFFICE.
- 44 5. "OFFICE" MEANS THE OFFICE OF THE INDEPENDENT CORRECTIONS
45 OMBUDSMAN.

6. "PRISON" OR "FACILITY" INCLUDES ANY PLACE OF CONFINEMENT, NOT INCLUDING COUNTY JAILS, THAT IS OPERATED BY THE DEPARTMENT OR ANY NONPROFIT, FOR-PROFIT, NONGOVERNMENTAL OR PRIVATE ENTITY THAT ENTERS INTO A CONTRACTUAL ARRANGEMENT WITH THIS STATE OR THE DEPARTMENT TO OPERATE OR MAINTAIN A PLACE OF CONFINEMENT.

41-2352. Office of the independent corrections ombudsman; powers and duties

A. THE OFFICE OF THE INDEPENDENT CORRECTIONS OMBUDSMAN IS ESTABLISHED AND CONSISTS OF THE INSPECTIONS SECTION AND THE COMPLAINTS INVESTIGATION SECTION.

B. THE OFFICE SHALL:

1. PROVIDE INFORMATION, AS APPROPRIATE, TO INMATES, FAMILY MEMBERS, INMATE REPRESENTATIVES, DEPARTMENT EMPLOYEES AND CONTRACTORS AND OTHER PERSONS REGARDING THE RIGHTS OF INMATES.

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

3. PROVIDE TECHNICAL ASSISTANCE TO SUPPORT INMATE PARTICIPATION IN SELF-ADVOCACY. TECHNICAL ASSISTANCE DOES NOT INCLUDE LEGAL REPRESENTATION, INITIATING A LEGAL ACTION OR FILING A DEPARTMENT COMPLAINT AND GRIEVANCE FORMS ON BEHALF OF AN INMATE OR A FAMILY MEMBER. TECHNICAL ASSISTANCE MAY INCLUDE PROVIDING AN INMATE OR A FAMILY MEMBER WITH ANY OF THE FOLLOWING:

(a) DEPARTMENT COMPLAINT AND GRIEVANCE FORMS.

(b) A COPY OF DEPARTMENT RULES AND POLICIES.

(c) A REFERRAL TO ANOTHER STATE AGENCY OR A TRIBAL OR FEDERAL AGENCY OR THE STATE BAR OF ARIZONA.

4. PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS IN ESTABLISHING JAIL OVERSIGHT BODIES, ON REQUEST. TECHNICAL ASSISTANCE MAY INCLUDE EITHER OF THE FOLLOWING:

(a) SHARING REPORTS, POLICIES, DATA, RESEARCH OR OTHER EXPERTISE THAT IS RELATED TO THE OFFICE'S OPERATION AND BUDGET.

(b) TESTIFYING BEFORE OR ANSWERING AN INQUIRY FROM A GOVERNMENT REPRESENTATIVE THAT IS CONSIDERING ESTABLISHING AN OVERSIGHT BODY IN THAT GOVERNMENT'S JURISDICTION.

5. ESTABLISH A STATEWIDE UNIFORM REPORTING SYSTEM TO COLLECT AND ANALYZE DATA RELATED TO COMPLAINTS RECEIVED BY THE DEPARTMENT AND DATA RELATED TO THE FOLLOWING:

(a) DEATHS, SUICIDES AND SUICIDE ATTEMPTS BY INMATES WHO ARE IN CUSTODY.

(b) PHYSICAL AND SEXUAL ASSAULTS OF INMATES WHO ARE IN CUSTODY.

(c) THE NUMBER OF INMATES WHO ARE PLACED IN ADMINISTRATIVE SEGREGATION OR SOLITARY CONFINEMENT AND THE DURATION OF STAY IN THAT CONFINEMENT.

1 (d) THE NUMBER OF FACILITY LOCKDOWNS THAT LAST LONGER THAN
2 TWENTY-FOUR HOURS.

3 (e) THE NUMBER OF STAFF, STAFF VACANCIES AND INMATES AT EACH
4 FACILITY.

5 (f) INMATE-TO-STAFF RATIOS AT EACH FACILITY.

6 (g) STAFF TENURE, TURNOVER AND COMPENSATION.

7 (h) THE NUMBER OF IN-PERSON VISITS TO INMATES THAT WERE MADE AND
8 DENIED AT EACH FACILITY.

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

14 (j) ANY OTHER COVERED ISSUE.

15 6. RECEIVE PUBLIC AND STAKEHOLDER INPUT AT ANY TIME AND ESTABLISH,
16 AT A MINIMUM, AN ANNUAL THIRTY-DAY COMMENT PERIOD TO RECEIVE AND RESPOND
17 TO PUBLIC AND STAKEHOLDER COMMENTS ON THE OFFICE'S ACTIVITIES AND
18 PRIORITIES. THE DATES OF THE ANNUAL THIRTY-DAY COMMENT PERIOD AND ANY
19 OTHER COMMENT PERIOD THAT IS ESTABLISHED BY THE OFFICE MUST BE MADE PUBLIC
20 ON THE OFFICE'S WEBSITE AT LEAST THREE MONTHS BEFORE THE BEGINNING DATE OF
21 THE COMMENT PERIOD.

22 7. INSPECT EACH FACILITY AT LEAST ONCE EVERY TWO YEARS AND AT LEAST
23 ONCE EACH YEAR FOR EACH MAXIMUM SECURITY FACILITY AND EACH FACILITY WHERE
24 THE OFFICE HAS FOUND CAUSE FOR MORE FREQUENT INSPECTION OR MONITORING.

25 8. PUBLICLY ISSUE PERIODIC FACILITY INSPECTION REPORTS, AN ANNUAL
26 REPORT WITH RECOMMENDATIONS ON FACILITIES AND A SUMMARY OF DATA AND
27 RECOMMENDATIONS ARISING FROM ANY COMPLAINTS INVESTIGATED AND RESOLVED AND
28 ANY OTHER THEMATIC REPORTS COVERING ANY TOPIC THE OFFICE FINDS RELEVANT TO
29 RUNNING A SAFE, SECURE AND HUMANE CORRECTIONS DEPARTMENT.

30 9. REVIEW, MONITOR AND REPORT ON THE DEPARTMENT'S ADMINISTRATIVE
31 REMEDIES PROCESS, INCLUDING THE AVAILABILITY OF COMPLAINT AND GRIEVANCE
32 FORMS AT FACILITIES, THE ACCESSIBILITY OF THE PROCESS TO INMATES AND
33 INMATE REPRESENTATIVES AT EACH FACILITY AND THE TIMELY AND UNBIASED
34 RESOLUTION OF COMPLAINTS OR GRIEVANCES BY THE DEPARTMENT.

35 C. THE OMBUDSMAN SHALL DIRECT THE OFFICE. THE OMBUDSMAN SERVES A
36 TERM OF SIX YEARS, DURING WHICH TERM THE OMBUDSMAN MAY BE REMOVED EITHER
37 BY THE GOVERNOR OR BY A MAJORITY VOTE OF THE CORRECTIONAL OMBUDSMAN
38 COMMITTEE MEMBERS. THE OMBUDSMAN MAY BE REMOVED ONLY FOR GOOD CAUSE. THE
39 OMBUDSMAN MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS. A PARTIAL TERM
40 IS CONSIDERED A FULL TERM WHEN COUNTING THE NUMBER OF CONSECUTIVE TERMS
41 THAT THE OMBUDSMAN MAY SERVE. THE OMBUDSMAN MAY NOT BE A CURRENT OR
42 FORMER DEPARTMENT EMPLOYEE OR CONTRACTOR, AND THE OMBUDSMAN'S SPOUSE OR
43 DOMESTIC PARTNER, PARENTS, GRANDPARENTS, CHILDREN OR SIBLINGS MAY NOT BE
44 CURRENT DEPARTMENT EMPLOYEES OR CONTRACTORS. THE OMBUDSMAN WHO IS
45 SELECTED SHALL BE A PERSON OF RECOGNIZED JUDGMENT, INDEPENDENCE,

1 OBJECTIVITY AND INTEGRITY AND BE QUALIFIED BY TRAINING OR EXPERIENCE IN
2 CORRECTIONS LAW AND POLICY.

3 D. THE OMBUDSMAN MAY:

4 1. HIRE STAFF, CONTRACTORS AND UNPAID VOLUNTEERS AND SECURE OFFICE
5 SPACE, EQUIPMENT AND OTHER SERVICES NECESSARY TO CARRY OUT THE DUTIES OF
6 THE OFFICE. ANY EMPLOYEE, CONTRACTOR OR UNPAID VOLUNTEER WHO IS HIRED OR
7 RETAINED BY THE OFFICE HAS THE SAME AUTHORITY AND DUTIES OF THE OFFICE
8 DESCRIBED IN THIS ARTICLE. A STAFF MEMBER OR VOLUNTEER MAY NOT:

9 (a) HAVE A FAMILY MEMBER WHO IS AN INMATE.

10 (b) HAVE A FAMILY MEMBER WHO IS A CURRENT EMPLOYEE OR CONTRACTOR OF
11 THE DEPARTMENT.

12 (c) BE A CURRENT EMPLOYEE OR CONTRACTOR OF THE DEPARTMENT.

13 (d) BE A VICTIM OR HAVE A FAMILY MEMBER WHO IS A VICTIM OF A CRIME
14 COMMITTED BY A CURRENT INMATE IN A FACILITY.

15 2. CONTRACT WITH EXPERTS AS NEEDED TO ASSIST IN MONITORING AND
16 INSPECTING FACILITIES, ASSESSING DATA AND REVIEWING, INVESTIGATING OR
17 RESOLVING COMPLAINTS.

18 E. SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS PRESCRIBED IN
19 SECTION 41-2353, SUBSECTION N AND SECTION 41-2354, SUBSECTION B, THE
20 OMBUDSMAN SHALL:

21 1. ATTEND EACH HEARING CONDUCTED BY THE CORRECTIONAL OMBUDSMAN
22 COMMITTEE AND PROVIDE ANY TESTIMONY, DOCUMENTS, DATA OR INFORMATION
23 REQUESTED BY COMMITTEE MEMBERS.

24 2. AT LEAST ONCE EACH QUARTER, MEET WITH EACH OF THE FOLLOWING TO
25 REPORT ON THE WORK AND FINDINGS OF THE OFFICE:

26 (a) THE MEMBERS OF THE CORRECTIONAL OMBUDSMAN COMMITTEE.

27 (b) THE GOVERNOR.

28 (c) THE DIRECTOR OF THE DEPARTMENT.

29 3. ON REQUEST FROM THE COMMITTEE CHAIRPERSON, THE VICE CHAIRPERSON
30 OR THE RANKING MEMBER, PROVIDE TESTIMONY BEFORE THE RELEVANT COMMITTEES OF
31 THE HOUSE OF REPRESENTATIVES AND THE SENATE.

32 41-2353. Correctional ombudsman committee; members; ombudsman
33 appointment; public hearings; voting requirements;
34 quorum; subpoena enforcement

35 A. THE CORRECTIONAL OMBUDSMAN COMMITTEE IS ESTABLISHED CONSISTING
36 OF THE FOLLOWING MEMBERS:

37 1. TWO MEMBERS OF THE SENATE WHO ARE NOT MEMBERS OF THE SAME
38 POLITICAL PARTY. THE PRESIDENT OF THE SENATE SHALL SELECT ONE MEMBER AND
39 THE SENATE MINORITY LEADER SHALL SELECT ONE MEMBER.

40 2. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE NOT MEMBERS
41 OF THE SAME POLITICAL PARTY. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
42 SHALL SELECT ONE MEMBER AND THE HOUSE OF REPRESENTATIVES MINORITY LEADER
43 SHALL SELECT ONE MEMBER.

44 3. THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE GOVERNOR:

45 (a) ONE MEMBER WHO REPRESENTS AN INMATE ADVOCACY ORGANIZATION.

1 (b) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT PROVIDES INMATE
2 TRAINING OR REHABILITATION PROGRAMS.

3 (c) ONE MALE MEMBER OF THE GENERAL PUBLIC WHO WAS PREVIOUSLY
4 INCARCERATED IN THE DEPARTMENT.

5 (d) ONE FEMALE MEMBER OF THE GENERAL PUBLIC WHO WAS PREVIOUSLY
6 INCARCERATED IN THE DEPARTMENT.

7 (e) ONE MEMBER WHO IS A PHYSICIAN LICENSED PURSUANT TO TITLE 32,
8 CHAPTER 13 OR 17 AND WHO SPECIALIZES IN FAMILY MEDICINE OR INTERNAL
9 MEDICINE.

10 (f) ONE MEMBER WHO IS A MENTAL OR BEHAVIORAL HEALTH PROFESSIONAL,
11 WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 19.1 OR 33 AND WHO HAS A
12 HISTORY OF PROVIDING MENTAL HEALTH SERVICES OR COUNSELING TO ADULTS.

13 (g) ONE MEMBER WHO IS A GRANDPARENT, PARENT, CHILD, SIBLING, SPOUSE
14 OR DOMESTIC PARTNER OF A PERSON WHO COMPLETED A TERM OF AT LEAST THREE
15 YEARS OF INCARCERATION IN ONE OR MORE FACILITIES AND WHO RECEIVED AN
16 ABSOLUTE DISCHARGE FROM THE DEPARTMENT WITHIN THE FIVE YEARS PRECEDING THE
17 DATE OF THE MEMBER'S APPOINTMENT.

18 (h) ONE MEMBER WHO REPRESENTS AN ASSOCIATION OR ORGANIZATION THAT
19 REPRESENTS CORRECTIONAL STAFF. THIS MEMBER IS A NONVOTING MEMBER.

20 (i) TWO PUBLIC MEMBERS.

21 B. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3
22 OF THIS SECTION:

23 1. SERVE THREE-YEAR TERMS AND MAY NOT SERVE MORE THAN TWO
24 CONSECUTIVE TERMS.

25 2. MAY NOT BE CURRENT DEPARTMENT EMPLOYEES OR CONTRACTORS OR HAVE
26 BEEN EMPLOYED BY OR CONTRACTED WITH THE DEPARTMENT FOR AT LEAST TEN YEARS
27 BEFORE APPOINTMENT.

28 3. MAY NOT HAVE PARENTS, CHILDREN, SPOUSES OR DOMESTIC PARTNERS WHO
29 ARE CURRENT DEPARTMENT EMPLOYEES OR CONTRACTORS UNLESS SPECIFICALLY
30 ALLOWED BY LAW.

31 C. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3,
32 SUBDIVISIONS (a), (b) AND (i) OF THIS SECTION MAY NOT BE EMPLOYED BY OR
33 REPRESENT AN ORGANIZATION WITH AN ACTIVE SERVICE AGREEMENT WITH OR
34 FINANCIAL INTEREST IN THE DEPARTMENT OR THAT OTHERWISE PROVIDES FOR-PROFIT
35 SERVICES TO INMATES OR FAMILY MEMBERS.

36 D. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3,
37 SUBDIVISION (i) OF THIS SECTION MAY NOT BE EITHER OF THE FOLLOWING:

38 1. CURRENT OR FORMER EMPLOYEES OF A LAW ENFORCEMENT AGENCY, A
39 COUNTY ATTORNEY'S OFFICE OR THE UNITED STATES ATTORNEY'S OFFICE.

40 2. A VICTIM OR IN THE SAME FAMILY AS A VICTIM OF A CRIME THAT WAS
41 COMMITTED BY A CURRENT INMATE IN A FACILITY.

42 E. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3,
43 SUBDIVISIONS (c) AND (d) OF THIS SECTION MUST HAVE COMPLETED A TERM OF AT
44 LEAST THREE YEARS OF INCARCERATION IN ONE OR MORE FACILITIES AND RECEIVED

1 AN ABSOLUTE DISCHARGE FROM THE DEPARTMENT WITHIN THE FIVE YEARS PRECEDING
2 THE DATE OF THE MEMBER'S APPOINTMENT.

3 F. ONE MEMBER WHO IS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH
4 1 OF THIS SECTION AND ONE MEMBER WHO IS APPOINTED PURSUANT TO SUBSECTION
5 A, PARAGRAPH 2 OF THIS SECTION SHALL SERVE AS COCHAIRPERSONS. THE
6 COCHAIRPERSONS MAY NOT BE FROM THE SAME POLITICAL PARTY.

7 G. THE COMMITTEE SHALL MEET QUARTERLY, WHEN THE OMBUDSMAN POSITION
8 IS VACANT, AS THE COCHAIRPERSONS DEEM NECESSARY, ON THE REQUEST OF THE
9 OMBUDSMAN TO FULFILL THE REQUIREMENTS OF SECTION 41-2352, SUBSECTION E AND
10 ON THE CALL OF THE MAJORITY OF THE MEMBERS.

11 H. EXCEPT WHEN VOTING TO APPOINT THE OMBUDSMAN PURSUANT TO
12 SUBSECTION J OF THIS SECTION, THE PRESENCE OF NINE MEMBERS OF THE
13 COMMITTEE CONSTITUTES A QUORUM AND A MAJORITY VOTE OF THE MEMBERS PRESENT
14 IS NECESSARY FOR THE COMMITTEE TO TAKE ACTION ON A MATTER.

15 I. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT
16 ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER
17 4, ARTICLE 2.

18 J. THE COMMITTEE SHALL ANNOUNCE THE OMBUDSMAN NOMINEE PUBLICLY AND
19 SHALL VOTE TO APPOINT THE NOMINEE AFTER HOLDING A PUBLIC HEARING, DURING
20 WHICH THE COMMITTEE SHALL HEAR AND CONSIDER ORAL OR WRITTEN TESTIMONY FROM
21 THE OMBUDSMAN NOMINEE, ANY WITNESSES THE OMBUDSMAN NOMINEE PRESENTS ON THE
22 NOMINEE'S BEHALF AND ANY MEMBERS OF THE PUBLIC. TO BE APPOINTED, THE
23 OMBUDSMAN MUST RECEIVE A MAJORITY VOTE OF THE QUORUM OF THE AUTHORIZED
24 VOTING MEMBERS WHO ARE DESCRIBED IN THIS SECTION. TO VOTE FOR THE
25 OMBUDSMAN, A QUORUM MUST BE PRESENT AND CONSIST OF AT LEAST ALL THE
26 MEMBERS WHO ARE SELECTED PURSUANT TO SUBSECTION A, PARAGRAPHS 1 AND 2 OF
27 THIS SECTION AND FIVE OF THE MEMBERS WHO ARE APPOINTED PURSUANT TO
28 SUBSECTION A, PARAGRAPH 3 OF THIS SECTION.

29 K. THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING EACH YEAR
30 TO PRESENT, REVIEW AND DISCUSS THE OFFICE'S INSPECTIONS, FINDINGS, REPORTS
31 AND RECOMMENDATIONS SET FORTH IN THE OFFICE'S ANNUAL REPORT PRESCRIBED IN
32 SECTION 41-2358 AND SHALL HOLD QUARTERLY PUBLIC HEARINGS TO PRESENT,
33 REVIEW AND DISCUSS ANY OTHER DATA, REPORTS OR FINDINGS OF THE OFFICE THAT
34 THE COMMITTEE DEEMS RELEVANT.

35 L. THE COMMITTEE SHALL CONDUCT RANDOM BIENNIAL INSPECTIONS OF A
36 FACILITY AND SHALL VISIT DIFFERENT FACILITIES ON EACH INSPECTION. THE
37 COMMITTEE MAY NOT ANNOUNCE AN INSPECTION TO ANY INDIVIDUAL OR ENTITY
38 OUTSIDE OF THE COMMITTEE BEFORE THE INSPECTION OCCURS. THE DEPARTMENT
39 SHALL ENSURE FULL ACCESS TO THE FACILITY, INMATES AND STAFF CONSISTENT
40 WITH SECTION 41-2354, SUBSECTION A.

41 M. THE LEGISLATURE SHALL PROVIDE THE COMMITTEE WITH OFFICE SPACE,
42 MEETING SPACE, SUPPLIES AND ADMINISTRATIVE PERSONNEL AS NEEDED.

43 N. A NONVOTING MEMBER OF THE COMMITTEE IS EXCLUDED FROM
44 INVESTIGATIONS, INTERVIEWS, RECEIPT OF TESTIMONY AND REVIEW OF DOCUMENTS
45 ON THE REQUEST OF AN INMATE, AN INMATE'S FAMILY MEMBER OR REPRESENTATIVE

OR A DEPARTMENT STAFF MEMBER OR EMPLOYEE WHEN THAT PERSON BELIEVES THE PERSON MAY BE SUBJECT TO REPRISAL OR RETALIATION FOR PROVIDING TESTIMONY OR OTHER INFORMATION TO THE COMMITTEE.

O. THE COMMITTEE COCHAIRPERSONS SHALL MEET WITH THE GOVERNOR AND THE DIRECTOR OF THE DEPARTMENT AT LEAST TWO TIMES EACH YEAR TO REPORT ON THE WORK AND FINDINGS OF THE COMMITTEE.

P. THE COMMITTEE MAY ISSUE SUBPOENAS TO THE DEPARTMENT FOR RECORDS, DOCUMENTS OR DATA IN THE DEPARTMENT'S POSSESSION AND FOR DEPARTMENT STAFF, CONTRACTORS OR REPRESENTATIVES TO APPEAR AND TESTIFY BEFORE THE COMMITTEE. AFTER A SUBPOENA IS SERVED AND, ON APPLICATION TO THE COURT, THE COMMITTEE MAY ENFORCE A SUBPOENA IN THE SAME MANNER PROVIDED BY LAW FOR THE SERVICE AND ENFORCEMENT OF A SUBPOENA IN A CIVIL ACTION. IF AN ENTITY FAILS TO COMPLY WITH A SUBPOENA, THE COMMITTEE MAY PURSUE ENFORCEMENT OF THE SUBPOENA IN A COURT OR REFER THE SUBPOENA TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF SENATE OR THE CHAIRMAN OF ANY COMMITTEE OF THE LEGISLATURE FOR ENFORCEMENT IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES PRESCRIBED IN CHAPTER 7, ARTICLE 4 OF THIS TITLE.

41-2354. Office authority: access to department records and facilities: subpoena

A. THE OFFICE SHALL HAVE ACCESS IN THE SAME MANNER AS THE DIRECTOR, ON DEMAND, IN PERSON OR IN WRITING AND WITH OR WITHOUT PRIOR NOTICE, TO ALL FACILITIES, INCLUDING ALL AREAS THAT ARE USED BY OR ARE OTHERWISE ACCESSIBLE TO INMATES, DEPARTMENT STAFF AND CONTRACTORS, AND TO PROGRAMS FOR INMATES AT REASONABLE TIMES WHICH, AT A MINIMUM, INCLUDES ACCESS DURING NORMAL WORKING HOURS AND VISITING HOURS AND THE OPPORTUNITY TO INTERVIEW ANY INMATE, DEPARTMENT EMPLOYEE OR CONTRACTOR OR OTHER PERSON FOR THE PURPOSE OF:

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 AS PRESCRIBED IN SECTIONS 41-2352 AND 41-2356.

3. INSPECTING, VIEWING, PHOTOGRAPHING AND VIDEO RECORDING ALL AREAS OF THE FACILITY THAT ARE USED BY OR ARE ACCESSIBLE TO INMATES.

B. WHEN ACCESSING INMATES, THE DEPARTMENT SHALL GIVE THE OFFICE THE OPPORTUNITY TO MEET AND COMMUNICATE PRIVATELY AND CONFIDENTIALLY WITH INMATES REGULARLY, WITH OR WITHOUT PRIOR NOTICE, BOTH FORMALLY AND INFORMALLY, BY TELEPHONE, MAIL AND ELECTRONIC COMMUNICATION AND IN PERSON. DEPARTMENT EMPLOYEES AND CONTRACTORS MAY NOT MONITOR, RECORD OR BE PRESENT WHEN THE OFFICE COMMUNICATES WITH INMATES. WITH THE CONSENT OF THE INMATE, MEMBERS OF THE OFFICE MAY RECORD MEETINGS WITH INMATES. AN OFFICE RECORDING OF AN INMATE IS CONFIDENTIAL AND IS NOT ACCESSIBLE TO A DEPARTMENT EMPLOYEE OR CONTRACTOR.

C. ACCESS TO DEPARTMENT EMPLOYEES AND CONTRACTORS INCLUDES THE OPPORTUNITY TO MEET AND COMMUNICATE PRIVATELY AND CONFIDENTIALLY WITH

1 INDIVIDUALS DURING AN INSPECTION OR NORMAL WORKING HOURS, WITH OR WITHOUT
2 PRIOR NOTICE, BOTH FORMALLY AND INFORMALLY, BY TELEPHONE, MAIL AND
3 ELECTRONIC COMMUNICATION AND IN PERSON. WITH THE CONSENT OF THE
4 DEPARTMENT EMPLOYEE OR CONTRACTOR, MEMBERS OF THE OFFICE MAY RECORD THE
5 MEETING WITH THE DEPARTMENT EMPLOYEE OR CONTRACTOR.

6 D. THE OFFICE MAY ACCESS, INSPECT AND COPY ALL RELEVANT
7 INFORMATION, RECORDS OR DOCUMENTS THAT ARE IN THE POSSESSION OR CONTROL OF
8 THE DEPARTMENT AND THAT THE OFFICE CONSIDERS NECESSARY TO INVESTIGATE A
9 COMPLAINT. THE DEPARTMENT SHALL ASSIST THE OFFICE IN OBTAINING THE
10 NECESSARY RELEASES FOR THOSE DOCUMENTS THAT ARE SPECIFICALLY RESTRICTED OR
11 PRIVILEGED FOR USE BY THE OFFICE.

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

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

25 G. THE OFFICE MAY SUBPOENA RECORDS, DOCUMENTS OR DATA THAT ARE IN
26 THE DEPARTMENT'S POSSESSION OR DEPARTMENT STAFF, CONTRACTORS OR
27 REPRESENTATIVES TO APPEAR AND PROVIDE INFORMATION TO THE OFFICE. A
28 SUBPOENA THAT IS ISSUED BY THE OFFICE MUST BE SERVED AND, ON APPLICATION
29 TO THE COURT, MAY BE ENFORCED IN THE MANNER PROVIDED BY LAW FOR THE
30 SERVICE AND ENFORCEMENT OF SUBPOENAS IN A CIVIL ACTION. IF AN ENTITY
31 FAILS TO COMPLY WITH A SUBPOENA, THE OFFICE MAY PURSUE ENFORCEMENT OF THE
32 SUBPOENA IN A COURT OR REFER THE SUBPOENA TO THE COMMITTEE FOR ENFORCEMENT
33 IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS A LEGISLATIVE
34 SUBPOENA PURSUANT TO CHAPTER 7, ARTICLE 4 OF THIS TITLE.

35 41-2355. Confidential communications

36 A. ALL CORRESPONDENCE AND COMMUNICATION WITH THE OFFICE OR
37 COMMITTEE ARE CONFIDENTIAL AND PRIVILEGED.

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

44 41-2356. Inspection authority; report

1 A. THE OFFICE SHALL INSPECT EACH FACILITY AND RELEASE A PUBLIC
2 REPORT WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE
3 OFFICE SHALL CONDUCT SUBSEQUENT INSPECTIONS ON A STAGGERED SCHEDULE
4 DEPENDING ON THE FACILITY'S SAFETY AND COMPLIANCE CLASSIFICATION.

5 B. DURING AN INSPECTION, THE OFFICE SHALL ASSESS OR REVIEW ALL OF
6 THE FOLLOWING:

7 1. THE FACILITY'S POLICIES AND PROCEDURES THAT RELATE TO THE CARE
8 OF INMATES.

9 2. THE CONDITIONS OF CONFINEMENT.

10 3. THE AVAILABILITY OF EDUCATIONAL AND REHABILITATIVE PROGRAMMING,
11 DRUG AND MENTAL HEALTH TREATMENT AND INMATE JOBS AND VOCATIONAL TRAINING.

12 4. POLICIES AND PROCEDURES RELATING TO VISITATION.

13 5. MEDICAL FACILITIES AND MEDICAL PROCEDURES AND POLICIES.

14 6. LOCKDOWNS AT THE FACILITY THAT OCCURRED SINCE THE LAST
15 INSPECTION. FOR THE INITIAL ASSESSMENT, THE OFFICE SHALL REVIEW LOCKDOWNS
16 THAT OCCURRED DURING THE PREVIOUS THREE YEARS.

17 7. FACILITY STAFFING, INCLUDING THE NUMBER AND JOB ASSIGNMENTS OF
18 CORRECTIONAL STAFF, THE RATIO OF STAFF TO INMATES AT THE FACILITY AND THE
19 STAFF POSITION VACANCY RATE AT THE FACILITY.

20 8. PHYSICAL AND SEXUAL ASSAULTS AT THE FACILITY THAT OCCURRED SINCE
21 THE LAST INSPECTION. FOR THE INITIAL ASSESSMENT, THE OFFICE SHALL REVIEW
22 ASSAULTS THAT OCCURRED DURING THE PREVIOUS THREE YEARS.

23 9. INMATE OR STAFF DEATHS THAT OCCURRED AT THE FACILITY SINCE THE
24 LAST INSPECTION. FOR THE INITIAL ASSESSMENT, THE OFFICE SHALL REVIEW
25 INMATE AND STAFF DEATHS THAT OCCURRED DURING THE PREVIOUS THREE YEARS.

26 10. DEPARTMENT STAFF RECRUITMENT, TRAINING, SUPERVISION AND
27 DISCIPLINE.

28 11. THE AVAILABILITY OF COMPLAINT AND GRIEVANCE FORMS AT A FACILITY
29 AND THE ACCESSIBILITY OF THE ADMINISTRATIVE REMEDIES PROCESS TO INMATES
30 AND INMATE REPRESENTATIVES.

31 12. ANY OTHER ASPECT OF FACILITY OPERATIONS THAT THE OFFICE DEEMS
32 NECESSARY OVER THE COURSE OF AN INSPECTION OR THAT RELATES TO A COVERED
33 ISSUE.

34 C. AFTER COMPLETING AN INSPECTION, THE OFFICE SHALL PREPARE AND
35 PUBLISH A REPORT, MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE INTERNET
36 AND SUBMIT THE REPORT TO THE GOVERNOR, THE ATTORNEY GENERAL, THE PRESIDENT
37 OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
38 CORRECTIONAL OMBUDSMAN COMMITTEE AND THE DIRECTOR OF THE STATE DEPARTMENT
39 OF CORRECTIONS AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF
40 STATE. THE REPORT MUST INCLUDE:

41 1. A SUMMARY OF THE FACILITY'S POLICIES AND PROCEDURES RELATING TO
42 INMATE CARE.

43 2. A DESCRIPTION OF THE CONDITIONS OF CONFINEMENT.

1 3. A CATALOGUE OF AVAILABLE EDUCATIONAL AND REHABILITATIVE
2 PROGRAMMING, DRUG AND MENTAL HEALTH TREATMENT AND INMATE JOBS AND
3 VOCATIONAL TRAINING.

4 4. A SUMMARY OF VISITATION POLICIES AND PROCEDURES.

5 5. A SUMMARY OF MEDICAL FACILITIES AND MEDICAL PROCEDURES AND
6 POLICIES.

7 6. A SUMMARY OF THE LOCKDOWNS REVIEWED BY THE OFFICE.

8 7. A SUMMARY OF FACILITY STAFFING, INCLUDING POLICIES RELATING TO
9 STAFF RECRUITMENT, TRAINING, SUPERVISION AND DISCIPLINE.

10 8. A SUMMARY OF PHYSICAL AND SEXUAL ASSAULTS THAT OCCURRED AT THE
11 FACILITY AND THAT WERE REVIEWED BY THE OFFICE.

12 9. A SUMMARY OF INMATE OR STAFF DEATHS THAT OCCURRED AT THE
13 FACILITY.

14 10. A SUMMARY OF THE AVAILABILITY OF COMPLAINT AND GRIEVANCE FORMS
15 AT THE FACILITY, THE ACCESSIBILITY OF THE ADMINISTRATIVE REMEDIES PROCESS
16 FOR INMATES AND INMATE REPRESENTATIVES AND THE FACILITY'S TIMELY AND
17 UNBIASED RESOLUTION OF COMPLAINTS AND GRIEVANCES.

18 11. RECOMMENDATIONS FOR IMPROVING CONDITIONS AND SAFETY WITHIN THE
19 FACILITY.

20 12. A SAFETY AND COMPLIANCE CLASSIFICATION WITH A RECOMMENDED
21 TIMELINE FOR THE NEXT INSPECTION.

22 D. AFTER COMPLETING AN INSPECTION, THE OFFICE SHALL ASSIGN THE
23 FACILITY A SAFETY AND COMPLIANCE CLASSIFICATION. THE OFFICE SHALL
24 ESTABLISH A CLASSIFICATION SYSTEM THAT CONSISTS OF THE FOLLOWING THREE
25 TIERS AND THAT IS DETERMINED BASED ON THE FACTORS DESCRIBED IN SUBSECTION
26 B OF THIS SECTION:

27 1. TIER ONE, WHICH REQUIRES SUBSEQUENT INSPECTION WITHIN TWELVE
28 MONTHS. THE OFFICE SHALL ASSIGN TIER ONE TO MAXIMUM SECURITY FACILITIES
29 AND FACILITIES THAT PRESENT CLEAR VIOLATIONS OF RIGHTS, RISKS TO INMATE
30 SAFETY OR SEVERE LACK OF QUALITY PROGRAMMING FOR SUCCESSFUL INMATE
31 REHABILITATION.

32 2. TIER TWO, WHICH REQUIRES SUBSEQUENT INSPECTION BETWEEN EIGHTEEN
33 MONTHS AND THIRTY-SIX MONTHS. THE OFFICE SHALL ASSIGN TIER TWO TO
34 FACILITIES THAT MAY HAVE VIOLATIONS OF RIGHTS, SUBSTANDARD CONDITIONS OF
35 CONFINEMENT OR SUBSTANDARD PROGRAMMING OPTIONS.

36 3. TIER THREE, WHICH REQUIRES SUBSEQUENT INSPECTION WITHIN
37 THIRTY-SIX MONTHS. THE OFFICE SHALL ASSIGN TIER THREE TO FACILITIES THAT
38 HAVE ADEQUATE CONDITIONS OF CONFINEMENT AND PROGRAMMING OPTIONS.

39 E. THE DEPARTMENT SHALL RESPOND IN WRITING TO EACH INSPECTION
40 REPORT ISSUED BY THE OFFICE WITHIN TWENTY BUSINESS DAYS AFTER THE REPORT
41 IS ISSUED. THE DEPARTMENT'S RESPONSE SHALL INCLUDE A CORRECTIVE ACTION
42 PLAN. THE OFFICE SHALL MONITOR THE DEPARTMENT'S COMPLIANCE WITH THE
43 CORRECTIVE ACTION PLAN AND MAY CONDUCT FURTHER INSPECTIONS OR
44 INVESTIGATIONS AS NECESSARY TO MONITOR COMPLIANCE.

41-2357. Authority to investigate complaints: prohibited investigations

A. THE OFFICE MAY INITIATE AND ATTEMPT TO RESOLVE AN INVESTIGATION ON ITS OWN INITIATIVE OR AFTER RECEIVING A COMPLAINT FROM AN INMATE, FAMILY MEMBER, INMATE REPRESENTATIVE, DEPARTMENT EMPLOYEE OR CONTRACTOR OR OTHER PERSON REGARDING ANY OF THE FOLLOWING THAT MAY ADVERSELY AFFECT INMATE HEALTH, SAFETY, WELFARE AND 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. THE OFFICE SHALL INFORM THE INMATE THAT THE INMATE IS ENTITLED TO USE THE DEPARTMENT'S POLICIES REGARDING RESOLUTION OF INMATE GRIEVANCES AND SHALL PROVIDE INFORMATION AND A COMPLETE SET OF FORMS TO THE INMATE TO COMPLETE THE RESOLUTION OF INMATE GRIEVANCES. THE DEPARTMENT SHALL TOLL ANY PROCEDURAL DEADLINES FOR FILING A GRIEVANCE AND THE ADMINISTRATIVE REMEDY PROCESS TIME FRAMES DO NOT BEGIN UNTIL FIVE BUSINESS DAYS AFTER THE INMATE HAS RECEIVED THE INFORMATION AND FORMS FROM THE OFFICE BY INMATE LEGAL MAIL PROCESS. THE OFFICE SHALL DECLINE TO INVESTIGATE A COMPLAINT IF THE INMATE HAS FAILED TO FIRST USE THE DEPARTMENT'S POLICIES REGARDING RESOLUTION OF INMATE GRIEVANCES UNLESS THE INMATE PROVIDES EVIDENCE THAT THE COMPLAINT IS LEGITIMATE AND THE INMATE HAS MADE A GOOD FAITH ATTEMPT TO EXHAUST THE ADMINISTRATIVE REMEDY PROCESS AND WAS IMPEDED OR PROCEDURALLY DEFAULTED BY NO FAULT OF THE INMATE.

C. IF THE OFFICE FINDS THAT INMATES REPEATEDLY ASSERT THEIR INABILITY TO USE THE ADMINISTRATIVE REMEDY PROCESS DESPITE THE INMATES' GOOD FAITH EFFORTS, THE OFFICE MAY CONDUCT AN UNANNOUNCED INSPECTION OF THE FACILITY WHERE THE ISSUES ARE OCCURRING TO DETERMINE WHETHER THE FACILITY IS MAKING THE ADMINISTRATIVE PROCESS AND GRIEVANCE FORMS ACCESSIBLE TO INMATES.

D. 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.

E. THE OFFICE'S ACTION OR LACK OF ACTION ON A COMPLAINT MAY NOT BE DEEMED AN ADMINISTRATIVE PROCEDURE REQUIRED FOR EXHAUSTION OF REMEDIES BEFORE BRINGING AN ACTION PURSUANT TO 42 UNITED STATES CODE SECTION 1997e OR FILING A NOTICE OF CLAIM THAT IS REQUIRED BY SECTION 12-821.01.

1 F. THE OFFICE MAY NOT INVESTIGATE EITHER OF THE FOLLOWING
2 COMPLAINTS:

3 1. A COMPLAINT THAT RELATES TO AN INMATE'S UNDERLYING CRIMINAL
4 CONVICTION.

5 2. A COMPLAINT FROM A DEPARTMENT EMPLOYEE OR CONTRACTOR THAT
6 RELATES TO THE EMPLOYEE'S OR CONTRACTOR'S EMPLOYMENT RELATIONSHIP WITH THE
7 DEPARTMENT UNLESS THE COMPLAINT RELATES TO INMATE HEALTH, SAFETY, WELFARE
8 OR REHABILITATION.

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

11 H. THE OFFICE MAY NOT LEVY ANY FEES FOR THE SUBMISSION OR
12 INVESTIGATION OF COMPLAINTS.

13 I. AFTER INVESTIGATING A COMPLAINT, THE OFFICE SHALL RENDER A
14 PUBLIC DECISION ON THE MERITS OF EACH COMPLAINT, EXCEPT THAT THE DOCUMENTS
15 SUPPORTING THE DECISION ARE SUBJECT TO THE CONFIDENTIALITY PROVISIONS OF
16 SECTION 41-2355. THE OFFICE SHALL INFORM THE INMATE AND THE DEPARTMENT OF
17 THE DECISION. THE OFFICE SHALL STATE THE OFFICE'S RECOMMENDATIONS AND
18 REASONING IF, IN THE OFFICE'S OPINION, THE DEPARTMENT OR ANY DEPARTMENT
19 EMPLOYEE OR CONTRACTOR SHOULD DO ANY OF THE FOLLOWING:

20 1. CONSIDER THE MATTER FURTHER.

21 2. MODIFY OR CANCEL ANY ACTION.

22 3. ALTER A RULE, PRACTICE OR RULING.

23 4. EXPLAIN IN DETAIL THE ADMINISTRATIVE ACTION IN QUESTION.

24 5. RECTIFY AN OMISSION.

25 J. ON THE REQUEST OF THE OFFICE, THE DEPARTMENT, WITHIN THE TIME
26 SPECIFIED, SHALL INFORM THE OFFICE IN WRITING ABOUT ANY ACTION TAKEN ON
27 THE RECOMMENDATIONS OR THE REASONS FOR NOT COMPLYING WITH THE
28 RECOMMENDATIONS.

29 K. IF THE OFFICE BELIEVES, BASED ON THE INVESTIGATION, THAT THERE
30 HAS BEEN OR CONTINUES TO BE A SIGNIFICANT INMATE HEALTH, SAFETY, WELFARE
31 OR REHABILITATION ISSUE, THE OFFICE SHALL REPORT THE FINDING TO THE
32 GOVERNOR, THE ATTORNEY GENERAL, THE PRESIDENT OF THE SENATE, THE SPEAKER
33 OF THE HOUSE OF REPRESENTATIVES, THE CORRECTIONAL OMBUDSMAN COMMITTEE AND
34 THE DIRECTOR OF THE DEPARTMENT AND SHALL PROVIDE A COPY OF THIS REPORT TO
35 THE SECRETARY OF STATE.

36 L. IF THE DEPARTMENT CONDUCTS AN INTERNAL DISCIPLINARY
37 INVESTIGATION AND REVIEW OF ONE OR MORE DEPARTMENT STAFF MEMBERS AS A
38 RESULT OF AN OFFICE INVESTIGATION, THE DEPARTMENT'S DISCIPLINARY REVIEW
39 MAY BE SUBJECT TO ADDITIONAL REVIEW AND INVESTIGATION BY THE OFFICE TO
40 ENSURE A FAIR AND OBJECTIVE PROCESS.

41 M. BEFORE ANNOUNCING A CONCLUSION OR RECOMMENDATION THAT EXPRESSLY
42 OR IMPLICITLY CRITICIZES A PERSON OR THE DEPARTMENT, THE OFFICE SHALL
43 CONSULT WITH THAT PERSON OR THE DEPARTMENT. THE OFFICE MAY REQUEST TO BE
44 NOTIFIED BY THE DEPARTMENT, WITHIN A SPECIFIED TIME, OF ANY ACTION TAKEN
45 ON ANY RECOMMENDATION PRESENTED.

N. THE DEPARTMENT AND THE DEPARTMENT'S EMPLOYEES AND CONTRACTORS MAY NOT DISCHARGE, RETALIATE AGAINST OR IN ANY MANNER DISCRIMINATE AGAINST ANY PERSON BECAUSE THAT PERSON FILED A COMPLAINT OR INSTITUTED OR CAUSED TO BE INSTITUTED A PROCEEDING UNDER OR RELATING TO THIS SECTION.

O. THE OFFICE MAY CONSIDER ANY ALLEGED DISCHARGE, RETALIATION AGAINST OR DISCRIMINATION AGAINST A COMPLAINANT TO BE AN APPROPRIATE SUBJECT OF AN INVESTIGATION.

P. ANY DEPARTMENT EMPLOYEE OR CONTRACTOR WHO BELIEVES THAT THE EMPLOYEE OR CONTRACTOR HAS BEEN DISCHARGED OR OTHERWISE DISCRIMINATED AGAINST BY ANY PERSON IN VIOLATION OF THIS SECTION, WITHIN THIRTY DAYS AFTER THE VIOLATION OCCURS, MAY FILE A COMPLAINT WITH THE INDUSTRIAL COMMISSION OF ARIZONA AND IS ENTITLED TO PURSUE AND RECEIVE THE REMEDIES PROVIDED IN TITLE 23.

41-2358. Annual report

A. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE OFFICE SHALL PREPARE AND PUBLISH AN ANNUAL REPORT, MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE INTERNET AND DELIVER THE REPORT TO THE GOVERNOR, THE ATTORNEY GENERAL, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE CORRECTIONAL OMBUDSMAN COMMITTEE AND THE DIRECTOR OF THE DEPARTMENT AND SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE. THE ANNUAL REPORT MUST INCLUDE:

1. A SUMMARY OF THE OFFICE'S INSPECTIONS AND COMPLAINT INVESTIGATIONS CONDUCTED THAT CALENDAR YEAR, INCLUDING THE OFFICE'S FINDINGS AND RECOMMENDATIONS AND THE DEPARTMENT'S RESPONSES AND CORRECTIVE ACTIONS.

2. A CHARACTERIZATION OF THE CONDITIONS OF CONFINEMENT.

3. A SUMMARY OF AVAILABLE EDUCATIONAL AND REHABILITATIVE PROGRAMMING, DRUG AND MENTAL HEALTH TREATMENT AND INMATE JOBS AND VOCATIONAL TRAINING.

4. A SUMMARY OF VISITATION POLICIES AND PROCEDURES.

5. A SUMMARY OF MEDICAL FACILITIES AND MEDICAL PROCEDURES AND POLICIES.

6. A SUMMARY OF THE LOCKDOWNS REVIEWED BY THE OFFICE.

7. A SUMMARY OF THE STAFFING AT EACH FACILITY AND IN THE DEPARTMENT OVERALL.

8. A SUMMARY OF PHYSICAL AND SEXUAL ASSAULTS REVIEWED BY THE OFFICE.

9. A SUMMARY OF INMATE OR STAFF DEATHS THAT OCCURRED AT A FACILITY.

10. A SUMMARY OF THE OFFICE'S INVESTIGATIONS, FINDINGS AND RESOLUTIONS OF ANY COMPLAINTS.

11. RECOMMENDATIONS TO THE LEGISLATURE AND THE DEPARTMENT REGARDING THE FOLLOWING:

(a) HOW THE OFFICE AND THE DEPARTMENT ARE FUNDED AND STAFFED.

(b) IMPROVING STAFF RETENTION, TRAINING, WORKING CONDITIONS, COMPENSATION, BENEFITS, MORALE AND SAFETY.

(c) IMPROVING INMATE HEALTH, SAFETY, CONDITIONS OF CONFINEMENT, MEDICAL CARE AND MENTAL HEALTH CARE.

(d) IMPROVING VISITATION AND LIMITING LOCKDOWNS AND ADMINISTRATIVE SEGREGATION OR SOLITARY CONFINEMENT.

(e) IMPROVING COMPLAINT INVESTIGATION AND RESOLUTION AND THE DEPARTMENT'S ADMINISTRATIVE REMEDIES PROCESS.

(f) IMPROVING ACCESS TO AND QUALITY AND AVAILABILITY OF EDUCATIONAL AND REHABILITATIVE PROGRAMMING, DRUG AND MENTAL HEALTH TREATMENT AND INMATE JOBS AND VOCATIONAL TRAINING.

(g) IMPROVING TRANSPARENCY ABOUT CONDITIONS IN THE FACILITIES AND THE DEPARTMENT OVERALL.

(h) IMPROVING THE DISCIPLINARY PROCESS TO HOLD STAFF ACCOUNTABLE FOR MISTREATMENT OF INMATES.

(i) PREVENTING FUTURE VIOLATIONS OF INMATE RIGHTS THAT ARE PROTECTED UNDER STATE AND FEDERAL LAW.

(j) IMPROVING FACILITIES, INCLUDING ANY NECESSARY CAPITAL IMPROVEMENTS AND REPAIRS.

B. ON THE REQUEST OF THE OFFICE, THE DEPARTMENT, WITHIN THE TIME SPECIFIED, SHALL INFORM THE OFFICE IN WRITING ABOUT ANY ACTION TAKEN ON THE RECOMMENDATIONS OR THE REASONS FOR NOT COMPLYING WITH THE RECOMMENDATIONS.

41-2359. Inmate and family member complaint forms; hotline

A. THE OFFICE SHALL PROVIDE THE FOLLOWING SECURE ONLINE FORMS:

1. THE FAMILY FORM, WHICH IS MADE AVAILABLE ON THE OFFICE'S WEBSITE AND WHICH ALLOWS FAMILY MEMBERS, FRIENDS AND ADVOCATES TO SUBMIT COMPLAINTS AND MAKE INQUIRIES REGARDING COVERED ISSUES ON BEHALF OF AN INMATE.

2. THE INMATE FORM, WHICH IS MADE AVAILABLE IN PAPER FORM AND ON THE DEPARTMENT'S SECURE INTRANET NETWORK AND TO WHICH INMATES MAY SUBMIT COMPLAINTS AND INQUIRIES REGARDING COVERED ISSUES ON THE INMATE'S OWN BEHALF.

B. THE DIRECTOR OF THE DEPARTMENT SHALL ENSURE THAT THE INMATE FORM IS AVAILABLE AND OPERATING ON AT LEAST TWELVE COMPUTERS WITHIN EACH FACILITY AND IS ACCESSIBLE TO ALL INMATES FROM 7:00 A.M. TO 7:00 P.M. EACH DAY. FOR INMATES IN ADMINISTRATIVE SEGREGATION OR SOLITARY CONFINEMENT, THE DEPARTMENT SHALL ENSURE THAT DEPARTMENT EMPLOYEES AND CONTRACTORS PROVIDE INMATES WITH ACCESS TO PAPER COPIES OF THE INMATE FORM OR THE ONLINE FORM ON A COMPUTER OR COMPUTER TABLET ON THE INMATE'S REQUEST. THE DEPARTMENT SHALL MAKE PAPER COPIES OF THE INMATE FORM AVAILABLE, AT NO COST TO INMATES, IN EACH FACILITY'S LIBRARY, LAW LIBRARY AND RECREATIONAL AND MEDICAL FACILITIES AND SHALL ENSURE THAT AN ADEQUATE SUPPLY OF FORMS ARE AVAILABLE.

C. THE OFFICE SHALL CREATE THE INMATE FORM IN A SECURE FORMAT THAT EXCLUDES ANY ELECTRONIC MONITORING OR REPRODUCTION BY THE DEPARTMENT AND THE DEPARTMENT'S EMPLOYEES AND CONTRACTORS. DEPARTMENT EMPLOYEES AND

1 CONTRACTORS SHALL TREAT PAPER COPIES OF THE INMATE FORM AS CONFIDENTIAL
2 AND PRIVILEGED IN THE SAME MANNER AS LEGAL CORRESPONDENCE OR
3 COMMUNICATION. THE PAPER FORM MUST HAVE A PREADDRESSED ENVELOPE FOR THE
4 INMATE TO SEAL THE CONTENTS OF THE FORM AND ONCE SEALED BY THE INMATE MAY
5 NOT BE OPENED OR OTHERWISE DAMAGED BY A DEPARTMENT EMPLOYEE OR
6 CONTRACTOR. THE DEPARTMENT MUST ACCEPT THE PAPER FORM AND ENVELOPE SEALED
7 BY THE INMATE AND MAY NOT REQUIRE INSPECTION OF THE ENVELOPE CONTENTS
8 BEFORE FORWARDING THE PAPER FORM AND ENVELOPE TO THE OFFICE.

9 D. THE OFFICE SHALL ESTABLISH A TELEPHONE HOTLINE THAT FAMILY
10 MEMBERS, FRIENDS AND ADVOCATES OF INMATES CAN CALL TO FILE COMPLAINTS AND
11 MAKE INQUIRIES REGARDING COVERED ISSUES ON BEHALF OF AN INMATE.

12 E. THE OFFICE SHALL ESTABLISH A SECURE TELEPHONE HOTLINE THAT IS
13 AVAILABLE TO ALL DEPARTMENT EMPLOYEES, CONTRACTORS AND INMATES TO FILE
14 COMPLAINTS AND MAKE INQUIRIES REGARDING COVERED ISSUES ON THEIR BEHALF.
15 THE OFFICE SHALL ENSURE THAT THE TELEPHONE HOTLINE IS WORKING AND IS
16 PROPERLY MONITORED BY PERFORMING RANDOM CALLS TO THE TELEPHONE HOTLINE
17 EACH MONTH. THE DIRECTOR OF THE DEPARTMENT SHALL ENSURE THAT THE SECURE
18 TELEPHONE HOTLINE AND THE HOTLINE'S USE ARE MADE AVAILABLE TO ALL INMATES
19 FREE OF CHARGE. THE OFFICE AND THE DIRECTOR OF THE DEPARTMENT SHALL
20 ENSURE THAT CALLS TO THE SECURE TELEPHONE HOTLINE ARE NOT MONITORED OR
21 RECORDED BY DEPARTMENT EMPLOYEES OR CONTRACTORS.

22 F. ON RECEIVING A COMPLAINT OR INQUIRY FROM A FAMILY FORM, AN
23 INMATE FORM OR THE HOTLINE, THE OFFICE SHALL DO ALL OF THE FOLLOWING:

24 1. CONFIRM RECEIPT OF THE COMPLAINT OR INQUIRY WITHIN FIVE BUSINESS
25 DAYS.

26 2. DETERMINE WHETHER AN INVESTIGATION IS WARRANTED WITHIN SEVEN
27 BUSINESS DAYS AFTER CONFIRMING RECEIPT OF THE COMPLAINT AND NOTIFY THE
28 COMPLAINANT.

29 3. IF THE OFFICE DETERMINES AN INVESTIGATION IS UNWARRANTED,
30 PROVIDE A WRITTEN STATEMENT REGARDING ITS DECISION TO THE COMPLAINANT.

31 G. THE DEPARTMENT AND THE DEPARTMENT'S EMPLOYEES AND CONTRACTORS
32 MAY NOT DISCHARGE, RETALIATE AGAINST OR IN ANY MANNER DISCRIMINATE AGAINST
33 ANY PERSON BECAUSE THAT PERSON HAS FILED A COMPLAINT OR INSTITUTED OR
34 CAUSED TO BE INSTITUTED ANY PROCEEDING UNDER OR RELATING TO THIS SECTION.

35 H. THE OFFICE MAY CONSIDER ANY ALLEGED DISCHARGE, RETALIATION
36 AGAINST OR DISCRIMINATION AGAINST A COMPLAINANT TO BE AN APPROPRIATE
37 SUBJECT OF AN INVESTIGATION.

38 I. A DEPARTMENT EMPLOYEE OR CONTRACTOR WHO BELIEVES THAT THE
39 EMPLOYEE OR CONTRACTOR HAS BEEN DISCHARGED OR OTHERWISE DISCRIMINATED
40 AGAINST BY ANY PERSON IN VIOLATION OF THIS SECTION, WITHIN THIRTY DAYS
41 AFTER THE VIOLATION OCCURS, MAY FILE A COMPLAINT WITH THE INDUSTRIAL
42 COMMISSION OF ARIZONA AND IS ENTITLED TO PURSUE AND RECEIVE THE REMEDIES
43 PROVIDED IN TITLE 23.

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

Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes, is amended by adding section 41-3035.02, to read:

41-3035.02. Office of the independent corrections ombudsman; termination July 1, 2035

A. THE OFFICE OF THE INDEPENDENT CORRECTIONS OMBUDSMAN TERMINATES ON JULY 1, 2035.

B. TITLE 41, CHAPTER 20 AND THIS SECTION ARE REPEALED ON JANUARY 1, 2036.

Sec. 3. Initial terms of the members of the correctional ombudsman committee

A. Notwithstanding section 41-2353, Arizona Revised Statutes, as added by this act, the initial terms of committee members who are appointed pursuant to section 41-2353, subsection A, paragraph 3, Arizona Revised Statutes, as added by this act, are:

1. Two terms ending January 1, 2027.
2. Two terms ending January 1, 2028.
3. Three terms ending January 1, 2029.

B. The governor shall make all subsequent appointments as prescribed by statute.

Sec. 4. Purpose

Pursuant to section 41-2955, subsection E, Arizona Revised Statutes, the legislature establishes the office of the independent corrections ombudsman to conduct inspections, investigate complaints and recommend improvements regarding the state department of corrections.

Sec. 5. Appropriation; office of the independent corrections ombudsman; correctional ombudsman committee; intent; exemption

A. The sum of one-tenth of one percent of the total annual monies appropriated to the state department of corrections is appropriated in fiscal year 2025-2026 to the office of the independent corrections ombudsman established by section 41-2352, Arizona Revised Statutes, as added by this act, for expenses relating to the office and the correctional ombudsman committee established by section 41-2353, Arizona Revised Statutes, as added by this act.

B. The legislature intends that the appropriation made in subsection A of this section be considered ongoing funding in future years.

C. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.