
Community Safety Committee

HB 1396

Brief Description: Increasing transparency and accountability of the office of corrections ombuds.

Sponsors: Representatives Farivar, Peterson, Davis, Parshley, Reed, Doglio, Pollet, Ormsby and Hill.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates an Advisory Council to the Office of the Corrections Ombuds (OCO).• Amends duties of the OCO.
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Hearing Date: 2/4/25

Staff: Lena Langer (786-7192).

Background:

The Office of the Corrections Ombuds.

The Office of the Corrections Ombuds (OCO) was created in 2018 as an independent and impartial office. Its purpose is to provide information to incarcerated individuals and their families; promote public awareness and understanding of the rights and responsibilities of incarcerated individuals; identify system issues and responses for the Governor and the Legislature to act upon; and ensure compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of incarcerated individuals under the jurisdiction of the Department of Corrections (DOC).

The OCO may initiate and attempt to resolve an investigation upon its own initiative, or upon receiving a complaint from an incarcerated individual, family member, or other representative of

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an incarcerated individual, an employee, or others, regarding abuse or neglect; DOC decisions, administrative actions, inactions, or omissions; policies, procedures, and rules; or alleged violations of the law. Correspondence and communication with the OCO is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.

Duties.

The duties of the OCO include:

- establishing priorities for the use of limited resources;
- maintaining a statewide toll-free telephone number, a collect telephone number, a website, and a mailing address for the receipt of complaints and inquiries;
- providing information to incarcerated individuals, incarcerated individuals' families, DOC employees, and others regarding the rights of incarcerated individuals;
- providing technical assistance to support incarcerated individuals' participation in self-advocacy;
- monitoring the DOC's compliance with applicable federal, state, and local laws, rules, regulations, and policies as related to the health, safety, welfare, and rehabilitation of incarcerated individuals;
- monitoring and participating in legislative and policy developments affecting correctional facilities;
- establishing a statewide uniform reporting system to collect and analyze complaints received by the OCO relating to the DOC, and establishing procedures for investigating and resolving those complaints;
- establishing procedures to gather stakeholder input into the OCO's activities and priorities, including at a minimum quarterly public meetings;
- submitting an annual report to the Governor, the Legislature, and the DOC Statewide Family Council analyzing the work of the OCO; and
- adopting and complying with rules, policies, and procedures necessary to implement the responsibilities of the Ombuds.

Summary of Bill:

Advisory Council.

By December 1, 2025, subject to appropriations, the Governor must convene an Advisory Council (Council) to the OCO. The Council must help the OCO establish its priorities and provide input on its priorities annually. The OCO must provide the Council with briefings or reports relating to deidentified data, trends, and other relevant issues. The Council does not participate in any OCO investigations and is not authorized to receive confidential records. The Council may solicit feedback directly from incarcerated individuals about the OCO. The Council may issue its own annual report with recommendations for the OCO.

The Governor must appoint the members of the Council. The OCO and the Washington State Office of Equity may provide the Governor with recommendations for appointments to the Council, which the Governor may consider when making appointments.

The Council consists of the following 11 members:

- one person currently incarcerated in medium or close custody at the DOC men's division;
- one person currently incarcerated in medium or close custody at the DOC women's division;
- one person currently incarcerated at the DOC who was sentenced to life imprisonment;
- two persons who were formerly incarcerated in medium or close custody at the DOC;
- two family members of persons who are currently or were formerly incarcerated at the DOC;
- a community member with knowledge and experience in issues related to racial, ethnic, or religious diversity within the DOC correctional system;
- a community member with knowledge and experience in the accommodation needs of individuals with disabilities;
- a community member with a gender responsive background; and
- a licensed health care provider, who preferably has knowledge and experience in behavioral health care.

In appointing members of the Council, the Governor must strive to reflect the racial and ethnic makeup of persons incarcerated at the DOC. The Governor must fill vacancies on the Council in the same manner as the original appointments.

Councilmembers serve a term of two years. The Council must create and implement a system of staggered terms, and no member may serve more than two consecutive terms. The Council will designate two cochairs by vote, and one chair must be currently or formerly incarcerated. The Council must convene at least quarterly.

Eligible members of the Council, including incarcerated persons, must receive stipends. The DOC must work with the OCO to develop a process where currently incarcerated and eligible members of the Council may be paid stipends for their participation.

The Council is subject to the Open Public Meetings Act. Councilmembers must complete training to utilize an antiracist lens in their duties.

Duties of the Office of the Corrections Ombuds.

The duties of the OCO are amended in the following ways:

- The OCO must consult with the Council in establishing its priorities.
- The OCO must provide information to incarcerated individuals, in addition to their families and representatives, DOC employees, and others, regarding the rights of incarcerated individuals.
- The OCO must establish procedures to gather and meaningfully engage with stakeholder input into the OCO's activities and priorities, including at a minimum quarterly public meetings where members of the public may provide public comment.
- The OCO must provide incarcerated individuals, their family members and representatives, DOC employees, members of the Council, and others the opportunity to

comment on OCO services.

Appropriation: None.

Fiscal Note: Requested on January 28, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.