

SENATE BILL REPORT

SB 5465

As of February 9, 2017

Title: An act relating to creating an office of the corrections ombuds.

Brief Description: Creating an office of the corrections ombuds.

Sponsors: Senators Miloscia, Hasegawa, Rolfes, O'Ban, Darneille, Angel and Frockt.

Brief History:

Committee Activity: Law & Justice: 2/09/17.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates the Office of the Corrections Ombuds.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: In general, an ombuds is a state official appointed to provide a check on government activity in the interests of the citizens, and oversee the investigation of complaints of improper government activity against the citizens. If the ombuds finds a complaint to be substantiated, the problem may get rectified, or an ombuds report is published making recommendations for change. The typical duties of an ombuds are to investigate complaints and attempt to resolve them, usually through recommendations. Ombuds sometimes also aim to identify systemic issues leading to poor service or breaches of peoples' rights.

Washington State has the following ombuds offices: the Long Term Care Ombudsman; the Office of the Family and Children's Ombudsman; the Office of the Educational Ombudsman; and the Health Care Authority Ombudsman.

Summary of Bill: An Office of the Corrections Ombuds (Ombuds) is created for the purpose of increasing transparency and accountability in Washington State's prisons; providing information to inmates, family members and department employees; providing assistance to support inmate self-advocacy; identifying and advocating for systemic reform;

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and monitoring and promoting compliance with statutes, rules, and policies pertaining to conditions of correctional facilities and the rights of inmates.

No later than August 1, 2017, the Governor must convene an Ombuds Advisory Council (Council) to support the Ombuds functions. The Council will assist the Ombuds in developing priorities and recommendations and review data and reports prepared by the Ombuds. The Council must provide the Legislature with recommendations regarding the Ombuds budget and changes in the law to enhance the Ombuds' effectiveness. The Council consists of one democrat and one republican member of the Legislature charged with selecting six additional members from the community as prescribed. The Council also includes the DOC staff serving as the internal ombuds, if any, and a bargaining unit representative. Council members must serve a term of three years.

The Governor must conduct a competitive bidding process to designate a nonprofit organization to operate the Office of Corrections Ombuds. The selected organization will operate as an independent entity operating under contract with the state.

The Ombuds must:

- establish priorities within appropriated resources;
- provide information to inmates, inmate families and representatives, department employees, and others;
- provide technical assistance to support inmate participation in self-advocacy;
- monitor department compliance with applicable laws, regulations, and policies;
- monitor and participate in legislative and policy development;
- establish a statewide uniform reporting system related to complaints regarding the department;
- establish procedures to receive, investigate, and resolve complaints;
- submit an annual report to the council; and
- adopt and comply with rules, policies, and procedures necessary to comply with this chapter.

Further guidelines regarding Ombuds operations are outlined, including the conducting and reporting of Ombuds investigations and confidentiality of information held by the Ombuds. The Ombuds must have reasonable unaccompanied access to correctional facilities.

Appropriation: None.

Fiscal Note: Requested on February 2, 2017.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Current systems for addressing grievances within DOC are not effective. Family members have worked long and hard to get information from DOC with little response unless they contact their elected officials. The DOC grievance process is currently intended to provide a pathway for inmates but almost never leads to a resolution. Prisoners are discouraged from using the grievance process by

unofficial punishment and the perception that it is not effective. DOC has changed leadership four times over the last several years. Positive and meaningful change is needed. Outside oversight is badly needed.

Advocates, inmates, and family members support an independent ombuds office. This bill establishes independence, a collaborative advisory council, and regular reporting to the legislature. This type of prison oversight is also recommended by the American Bar Association. An independent ombuds will enable issues to be identified earlier and be addressed before they become a larger problem. The idea of an independent ombuds was first addressed in 2007. Prevailing wisdom at the time stated that the single most important recommendation that could be implemented in each state was to establish an independent ombuds program.

Many prison inmates live with a mental illness. It is important for persons in the prison system to have a method of addressing concerns that is safe and easy. The idea of an independent ombuds office is absolutely necessary and will help to ensure the safety and health of inmates and employees. In the long run, having an ombuds will save money on preventative care and litigation as opposed to waiting for a crisis.

OTHER: DOC would like to see people exhaust remedies through the internal grievance process before filing a complaint with the Ombuds. Unaccompanied access to correctional facilities is also a concern. The Ombuds should be able to have confidential conversations, but having unaccompanied access to facilities is a safety concern.

Persons Testifying: PRO: Melody Simle, citizen; Rachel Seevers, Disability Rights Washington; Sandy Ando, NAMI; Jeffrey Conner, Prison Voice Washington; Noah Martin, Quaker Voice on WA Public Policy; Thomas Ewell, citizen; Suzanne Cook, citizen; Julie Tackett, citizen; Arthur West, citizen.

OTHER: Alex McBain, Department of Corrections.

Persons Signed In To Testify But Not Testifying: No one.