

HOUSE BILL REPORT

SHB 2287

As Passed House:
February 9, 2024

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

Brief Description: Creating an advisory board to the office of the corrections ombuds.

Sponsors: House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Farivar, Goodman, Simmons, Chopp, Nance, Street, Davis, Ortiz-Self, Ramel, Peterson and Ormsby).

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/22/24, 1/29/24 [DPS].

Floor Activity:

Passed House: 2/9/24, 58-39.

Brief Summary of Substitute Bill

- Creates an Advisory Board to the Office of the Corrections Ombuds.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Goodman, Chair; Simmons, Vice Chair; Davis, Farivar, Fosse and Ramos.

Minority Report: Without recommendation. Signed by 3 members: Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Graham.

Staff: Lena Langer (786-7192).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Office of the Corrections Ombuds.

The Office of the Corrections Ombuds (OCO) was created in 2018 as an independent and impartial office to:

- provide information to inmates and their families;
- promote public awareness and understanding of inmates' rights and responsibilities;
- identify system issues and responses for the Governor and the Legislature; and
- ensure compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of inmates 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 inmate, family member, or other representative of an inmate, 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.

The OCO must annually report to the Governor, the Legislature, and the DOC Statewide Family Council the number of complaints received and resolved by the OCO, significant systemic or individual investigations or outcomes achieved by the OCO, and any outstanding or unresolved concerns or recommendations of the OCO.

Summary of Substitute Bill:

By December 1, 2024, subject to appropriations, the Governor must convene an Advisory Board (Board) to the OCO. The Board must help the OCO create a priority setting process and provide input on priorities to the OCO each year. The OCO must provide the Board with briefings or reports relating to deidentified data, trends, and other relevant issues. The Board does not participate in any OCO investigations and is not authorized to receive confidential records. The Board may issue its own annual report to provide the Governor and the Legislature with recommendations regarding the OCO's performance, budget, and changes in the law that would enhance the OCO's effectiveness.

The Governor must appoint the members of the Board. The OCO may provide the Governor with recommendations for appointments to the Board, which the Governor may consider when making appointments.

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

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

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

The Board is subject to the Open Public Meetings Act. The OCO must provide administrative and clerical assistance to the Board. Board members must complete training to utilize an antiracist lens in their duties as members.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The concept of "nothing about us without us" is an important concept behind this bill. The idea for this bill came from advocates who wanted to establish an advisory council to the Office of the Corrections Ombuds (OCO), while simultaneously the OCO was having the same conversation. The original bill creating the OCO included an advisory

council, but the bill passed without the advisory council included. Advisory boards add a layer of accountability to the state agencies they serve. It was never made clear why the Advisory Board (Board) was taken out of the bill that created the OCO. The goal for the Board is to be a transparent and accountable group, something to represent the interests of those incarcerated, and a helpful resource for the OCO. The original bill creating the OCO was based on the recommendation of the American Bar Association. That bill took 10 years to pass, which it did in 2018. The OCO has been operating for five years. Initially, there was an ad hoc advisory committee to the OCO. There is a need for a codified advisory group to the OCO. The Board would make a huge difference in the initial purposes of the OCO.

This bill does not seek to reduce what the OCO does, but instead it seeks to enhance. The incarcerated population is in a uniquely vulnerable position. The OCO is currently inaccessible for the people in incarceration. The Board must be balanced with voices of those who have been incarcerated. There is a duty to ensure that those who are incarcerated are treated with dignity and respect. Incarcerated people on the Board may be apprehensive to speak their truth, because they could be concerned about retribution. This Board is necessary to ensure that the human rights and civil rights of incarcerated individuals are not violated.

(Opposed) None.

Persons Testifying: Representative Darya Farivar, prime sponsor; Tom Ewell, Quaker Voice; Jacob Schmitt, Just Us Solutions, LLC; Qudaffi Howell; Melody Simle; Kehaulani Walker, Families of the Incarcerated and People United Alliance; and Paul Benz, Washington Partners for Social Change.

Persons Signed In To Testify But Not Testifying: None.