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**SUBSTITUTE HOUSE BILL 1396**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Community Safety (originally sponsored by Representatives Farivar, Peterson, Davis, Parshley, Reed, Doglio, Pollet, Ormsby, and Hill)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to increasing transparency and accountability of  
2 the office of corrections ombuds through increased involvement of  
3 those with lived experience including by establishing an advisory  
4 council; amending RCW 43.06C.040; adding a new section to chapter  
5 43.06C RCW; and creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature created the office of the  
8 corrections ombuds to serve as an independent and impartial entity to  
9 provide oversight, monitoring, and investigation into issues arising  
10 within the state's prisons. It was also created to help strengthen  
11 procedures and practices that promote the health, safety, welfare,  
12 and rehabilitation of incarcerated individuals and reduce the  
13 exposure of the department of corrections to litigation. To ensure  
14 that the office's work remains focused on addressing the needs of  
15 currently incarcerated people, the legislature hereby creates an  
16 advisory council composed of community stakeholders, including  
17 current and formerly incarcerated people, to provide advice and  
18 feedback to the ombuds.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06C  
20 RCW to read as follows:

1 (1) (a) By December 1, 2025, and subject to the availability of  
2 amounts appropriated for this specific purpose, the governor shall  
3 convene an ombuds advisory council with several purposes in support  
4 of the ombuds function. The council shall help the ombuds establish  
5 its priorities pursuant to section 3 of this act and will provide  
6 input on priorities to the ombuds annually. The council shall receive  
7 briefings or reports from the ombuds relating to deidentified data,  
8 trends, and other relevant issues, and make recommendations to the  
9 ombuds. The council does not participate in any ombuds investigations  
10 and is not authorized to receive records that are confidential  
11 pursuant to RCW 43.06C.060 and 43.06C.080.

12 (b) (i) The council may communicate with the ombuds, the  
13 governor's office, and members of the legislature regarding any  
14 concerns it has relating to the ombuds' advocacy on behalf of the  
15 incarcerated population as well as its priorities for larger  
16 investigations and reports.

17 (ii) The council may solicit feedback directly from incarcerated  
18 individuals about the ombuds office.

19 (2) (a) The governor shall appoint the members of the council. The  
20 ombuds and the state office of equity established in RCW 43.06D.020  
21 may provide the governor recommendations for appointment to the  
22 council. The governor may consider these recommendations when making  
23 appointments. The council shall consist of the following 11 members:

24 (i) One person currently incarcerated in medium or close custody  
25 at the department of corrections men's division;

26 (ii) One person currently incarcerated in medium or close custody  
27 at the department of corrections women's division;

28 (iii) One person currently incarcerated at the department of  
29 corrections who was sentenced to a term of life imprisonment;

30 (iv) Two persons who were formerly incarcerated in medium or  
31 close custody at the department of corrections;

32 (v) Two family members of persons who are currently or were  
33 formerly incarcerated at the department of corrections;

34 (vi) A community member with knowledge and experience in issues  
35 related to racial, ethnic, or religious diversity within the  
36 department of corrections correctional system;

37 (vii) A community member with knowledge and experience in the  
38 accommodation needs of individuals with disabilities;

39 (viii) A community member with a gender responsive background;  
40 and

1 (ix) A licensed health care provider, who preferably has  
2 knowledge and experience in behavioral health care.

3 (b) In appointing persons to serve on the council, the governor  
4 shall strive to reflect the racial and ethnic makeup of persons  
5 incarcerated at the department of corrections.

6 (3) After the full membership is attained, vacancies on the  
7 council shall be filled in the same manner as the original  
8 appointments.

9 (4) Councilmembers serve a term of two years, except that the  
10 council shall create and implement a system of staggered terms, and  
11 no member may serve more than two consecutive terms. The council will  
12 designate two cochairs by vote, and one must be currently or formerly  
13 incarcerated.

14 (5) Eligible members of the council, including persons currently  
15 incarcerated, shall receive stipends according to RCW 43.03.220. The  
16 department of corrections shall work with the office of the  
17 corrections ombuds to develop a process where currently incarcerated  
18 and eligible councilmembers may be paid stipends for their  
19 participation.

20 (6) The council shall convene at least quarterly.

21 (7) The council is subject to the open public meetings act,  
22 chapter 42.30 RCW.

23 (8) Councilmembers shall complete training to utilize an  
24 antiracist lens in their duties as councilmembers.

25 **Sec. 3.** RCW 43.06C.040 and 2018 c 270 s 5 are each amended to  
26 read as follows:

27 (1) The ombuds shall:

28 (a) Establish priorities in consultation with the advisory  
29 council created in section 2 of this act for use of the limited  
30 resources available to the ombuds;

31 (b) Maintain a statewide toll-free telephone number, a collect  
32 telephone number, a website, and a mailing address for the receipt of  
33 complaints and inquiries;

34 (c) Provide information, as appropriate, to ~~((inmates))~~  
35 incarcerated individuals, family members, representatives of  
36 ~~((inmates))~~ incarcerated individuals, department employees, and  
37 others regarding the rights of ~~((inmates))~~ incarcerated individuals;

38 (d) ~~((Provide))~~ Solicit feedback directly from incarcerated  
39 individuals, family members, representatives of incarcerated

1 individuals, department employees, members of the advisory council  
2 established in section 2 of this act, and others about the ombuds  
3 performance and priorities, and share aggregated feedback with the  
4 council;

5 (e) Provide technical assistance to support ~~((inmate))~~ the  
6 participation of incarcerated individuals in their self-advocacy;

7 ~~((e))~~ (f) Monitor department compliance with applicable  
8 federal, state, and local laws, rules, regulations, and policies as  
9 related to the health, safety, welfare, and rehabilitation of  
10 ~~((inmates))~~ incarcerated individuals;

11 ~~((f))~~ (g) Monitor and participate in legislative and policy  
12 developments affecting correctional facilities;

13 ~~((g))~~ (h) Establish a statewide uniform reporting system to  
14 collect and analyze data related to complaints received by the ombuds  
15 regarding the department;

16 ~~((h))~~ (i) Establish procedures to receive, investigate, and  
17 resolve complaints;

18 ~~((i))~~ (j) Establish procedures to gather and meaningfully  
19 engage with stakeholder input into the ombuds' activities and  
20 priorities, which must include at a minimum quarterly public meetings  
21 where members of the public may provide public comment;

22 ~~((j))~~ (k) Submit annually to the governor's office, the  
23 legislature, and the statewide family council, by November 1st of  
24 each year, a report that includes, at a minimum, the following  
25 information:

26 (i) The budget and expenditures of the ombuds;

27 (ii) The number of complaints received and resolved by the  
28 ombuds;

29 (iii) A description of significant systemic or individual  
30 investigations or outcomes achieved by the ombuds during the prior  
31 year;

32 (iv) Any outstanding or unresolved concerns or recommendations of  
33 the ombuds; and

34 (v) Input and comments from stakeholders, including the statewide  
35 family council, regarding the ombuds' activities during the prior  
36 year; and

37 ~~((k))~~ (l) Adopt and comply with rules, policies, and procedures  
38 necessary to implement this chapter.

39 (2)(a) The ombuds may initiate and attempt to resolve an  
40 investigation upon his or her own initiative, or upon receipt of a

1 complaint from an ((inmate)) incarcerated individual, a family  
2 member, a representative of an ((inmate)) incarcerated individual, a  
3 department employee, or others, regarding any of the following that  
4 may adversely affect the health, safety, welfare, and rights of  
5 ((inmates)) incarcerated individuals:

6 (i) Abuse or neglect;

7 (ii) Department decisions or administrative actions;

8 (iii) Inactions or omissions;

9 (iv) Policies, rules, or procedures; or

10 (v) Alleged violations of law by the department that may  
11 adversely affect the health, safety, welfare, and rights of  
12 ((inmates)) incarcerated individuals.

13 (b) Prior to filing a complaint with the ombuds, a person shall  
14 have reasonably pursued resolution of the complaint through the  
15 internal grievance, administrative, or appellate procedures with the  
16 department. However, in no event may an ((inmate)) incarcerated  
17 individual be prevented from filing a complaint more than ((ninety))  
18 90 business days after filing an internal grievance, regardless of  
19 whether the department has completed the grievance process. This  
20 subsection (2)(b) does not apply to complaints related to threats of  
21 bodily harm including, but not limited to, sexual or physical  
22 assaults or the denial of necessary medical treatment.

23 (c) The ombuds may decline to investigate any complaint as  
24 provided by the rules adopted under this chapter.

25 (d) If the ombuds does not investigate a complaint, the ombuds  
26 shall notify the complainant of the decision not to investigate and  
27 the reasons for the decision.

28 (e) The ombuds may not investigate any complaints relating to an  
29 ((inmate's)) incarcerated individual's underlying criminal  
30 conviction.

31 (f) The ombuds may not investigate a complaint from a department  
32 employee that relates to the employee's employment relationship with  
33 the department or the administration of the department, unless the  
34 complaint is related to the health, safety, welfare, and  
35 rehabilitation of ((inmates)) incarcerated individuals.

36 (g) The ombuds must attempt to resolve any complaint at the  
37 lowest possible level.

38 (h) The ombuds may refer complainants and others to appropriate  
39 resources, agencies, or departments.

1 (i) The ombuds may not levy any fees for the submission or  
2 investigation of complaints.

3 (j) The ombuds must remain neutral and impartial and may not act  
4 as an advocate for the complainant or for the department.

5 (k) At the conclusion of an investigation of a complaint, the  
6 ombuds must render a public decision on the merits of each complaint,  
7 except that the documents supporting the decision are subject to the  
8 confidentiality provisions of RCW 43.06C.060. The ombuds must  
9 communicate the decision to the ((inmate)) incarcerated individual,  
10 if any, and to the department. The ombuds must state its  
11 recommendations and reasoning if, in the ombuds' opinion, the  
12 department or any employee thereof should:

13 (i) Consider the matter further;

14 (ii) Modify or cancel any action;

15 (iii) Alter a rule, practice, or ruling;

16 (iv) Explain in detail the administrative action in question; or

17 (v) Rectify an omission.

18 (l) If the ombuds so requests, the department must, within the  
19 time specified, inform the ombuds about any action taken on the  
20 recommendations or the reasons for not complying with the  
21 recommendations.

22 (m) If the ombuds believes, based on the investigation, that  
23 there has been or continues to be a significant ((inmate))  
24 incarcerated individual health, safety, welfare, or rehabilitation  
25 issue, the ombuds must report the finding to the governor and the  
26 appropriate committees of the legislature.

27 (n) Before announcing a conclusion or recommendation that  
28 expressly, or by implication, criticizes a person or the department,  
29 the ombuds shall consult with that person or the department. The  
30 ombuds may request to be notified by the department, within a  
31 specified time, of any action taken on any recommendation presented.  
32 The ombuds must notify the ((inmate)) incarcerated individual, if  
33 any, of the actions taken by the department in response to the  
34 ombuds' recommendations.

35 (3) This chapter does not require ((inmates)) incarcerated  
36 individuals to file a complaint with the ombuds in order to exhaust  
37 available administrative remedies for purposes of the prison  
38 litigation reform act of 1995, P.L. 104-134.

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