
HOUSE BILL 1396

State of Washington

69th Legislature

2025 Regular Session

By Representatives Farivar, Peterson, Davis, Parshley, Reed, Doglio, Pollet, Ormsby, and Hill

Read first time 01/20/25. Referred to Committee on Community Safety.

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 issue its own annual public report with
13 recommendations for the ombuds regarding its policies relating to
14 advocacy on behalf of the incarcerated population as well as its
15 priorities for larger investigations and reports.

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

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

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

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

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

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

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

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

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

38 (viii) A community member with a gender responsive background;
39 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 incarcerated individuals, family members,
39 representatives of incarcerated individuals, department employees,

1 members of the advisory council established in section 2 of this act,
2 and others the opportunity to comment on ombuds services;

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

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

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

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

14 ~~((h))~~ (i) Establish procedures to receive, investigate, and
15 resolve complaints;

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

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

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

25 (ii) The number of complaints received and resolved by the
26 ombuds;

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

30 (iv) Any outstanding or unresolved concerns or recommendations of
31 the ombuds; and

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

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

37 (2)(a) The ombuds may initiate and attempt to resolve an
38 investigation upon his or her own initiative, or upon receipt of a
39 complaint from an ((inmate)) incarcerated individual, a family
40 member, a representative of an ((inmate)) incarcerated individual, a

1 department employee, or others, regarding any of the following that
2 may adversely affect the health, safety, welfare, and rights of
3 (~~inmates~~) incarcerated individuals:

4 (i) Abuse or neglect;

5 (ii) Department decisions or administrative actions;

6 (iii) Inactions or omissions;

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) Consider the matter further;

12 (ii) Modify or cancel any action;

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

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

15 (v) Rectify an omission.

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

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

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

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

--- END ---