

SENATE BILL NO. 456

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations

on _____)

(Patron Prior to Substitute--Senator Marsden)

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 53.1 an article numbered 4, consisting of sections numbered 53.1-17.2 through 53.1-17.10, relating to Office of the Department of Corrections Ombudsman; created.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 53.1 an article numbered 4, consisting of sections numbered 53.1-17.2 through 53.1-17.10, as follows:

Article 4.

Office of the Department of Corrections Ombudsman.

§ 53.1-17.2. Office of the Department of Corrections Ombudsman; powers and duties.

A. There is created within the Office of the State Inspector General, an Office of the Department of Corrections Ombudsman (the Office). The Office shall have the following duties and powers:

1. To provide information, as appropriate, to inmates, family members, representatives of inmates, Department employees and contractors, and others regarding the rights of inmates;

2. To monitor conditions of confinement and assess compliance with applicable federal, state, and local rules, regulations, policies, and best practices as related to the health, safety, welfare, and rehabilitation of inmates;

3. To provide technical assistance to support inmate participation in self-advocacy;

4. To provide technical assistance to local governments in the creation of correctional facility oversight bodies, as requested, to the extent resources are available to provide such assistance;

5. To establish policies for a statewide uniform reporting system to collect and analyze data related to complaints received by the Department and that may include data related to (i) deaths, suicides, and

27 suicide attempts in custody; (ii) physical and sexual assaults in custody; (iii) the number of inmates placed
28 in restorative housing; (iv) the number of facility lockdowns lasting longer than 24 hours; (v) the number
29 of staff vacancies at each facility; (vi) the inmate-to-staff ratios at each facility; (vii) staff tenure, turnover,
30 and compensation; (viii) numbers of in-person visits to inmates that were made and denied at each facility;
31 (ix) the number of inmate complaints or grievances submitted to the Department, the resolution of such
32 complaints or grievances, and how long it took to resolve each complaint or grievance; and (x) any covered
33 issue as defined in § 53.1-17.9;

34 6. To establish procedures to gather stakeholder input into the Office's activities and priorities;

35 7. To inspect each state correctional facility at least once every three years. All visitors must
36 comply with Department security policies and procedures;

37 8. To issue publicly periodic facility inspection reports and an annual report on state correctional
38 facility conditions and a summary of data and recommendations arising from any complaints investigated
39 and resolved pursuant to this article, and any other thematic reports covering any topic the Office finds
40 relevant to maintaining a safe, secure, and humane Department;

41 9. To monitor, document, review, and report on facility conditions in Department facilities; and

42 10. To review, monitor, and report on the administrative remedy process of the Department,
43 including the availability of any complaint and grievance forms at Department facilities, the accessibility
44 of the remedy process to inmates and their representatives at each facility, and the timely, unbiased
45 resolution of complaints or grievances by the Department.

46 B. The Office shall be directed by a Department of Corrections Ombudsman (the Ombudsman)
47 who shall be selected by the State Inspector General. The Co-Chairmen of the Corrections Oversight
48 Committee (the Committee), established pursuant to § 53.1-17.3, or their designees, shall be invited to
49 participate on the interview panels for finalist candidates for the Ombudsman position. The Office of the
50 State Inspector General shall notify the Committee of the job posting for the Ombudsman position when
51 the employment opportunity is made available. The State Inspector General shall select an Ombudsman
52 who has training or experience in criminal law, including any experience with local or state correctional
53 law, and shall consider his history of judgment, independence, objectivity, and integrity. Neither the

54 Ombudsman nor the Ombudsman's spouse or domestic partner, parents, grandparents, children, or siblings
55 shall be a current or former employee or contractor of the Department. The Ombudsman shall have the
56 authority to make recommendations to the State Inspector General to (i) hire staff, contractors, and unpaid
57 volunteers; (ii) secure office space, equipment, and other services necessary to carry out the duties of the
58 Office pursuant to this article; and (iii) contract with experts as necessary to assist in the monitoring and
59 inspection of facilities, the assessment of data, and the review, investigation, or resolution of complaints.
60 A staff member or volunteer hired to work in the Office shall have the same authority and duties of the
61 Office as described in this article. A staff member or volunteer hired by the Ombudsman shall not be (a)
62 a person with a family member who is a current inmate of the Department, (b) a person with a family
63 member who is a current employee or contractor of the Department, (c) a current employee or contractor
64 of the Department, or (d) a victim or a family member of a victim of a crime committed by an inmate
65 currently in the custody of the Department.

66 C. The Ombudsman shall, subject to the provisions of § 53.1-17.5, (i) attend each hearing
67 conducted by the Committee and provide any testimony, documents, data, or information requested by
68 Committee members; (ii) meet at least twice each year with the co-chairmen of the Committee or their
69 designees, the Governor, and the Director to report on the work and findings of the Office; and (iii) provide
70 testimony before the relevant committees of the General Assembly upon request from any committee
71 chairman or vice-chairman.

72 **§ 53.1-17.3. Corrections Oversight Committee; membership; authority.**

73 A. There is created a Corrections Oversight Committee (the Committee) that shall consist of 19
74 voting members and two nonvoting members. Such voting members shall be appointed as follows: (i) four
75 members of the Senate who are not members of the same political party, to be appointed by the Senate
76 Committee on Rules; (ii) four members of the House of Delegates who are not members of the same
77 political party, to be appointed by the Speaker of the House of Delegates; and (iii) the following
78 nonlegislative citizen members to be appointed by the Governor: (a) one representative of a nonprofit
79 prisoner advocacy group, (b) one representative of a nonprofit organization that provides training or
80 rehabilitation programs for incarcerated inmates, (c) one male citizen and one female citizen who were

81 formerly incarcerated within the Commonwealth for a term of imprisonment of three years or more within
82 the 10 years immediately preceding his appointment, provided that such citizens have had their civil rights
83 restored by the Governor, (d) one licensed physician, (e) one licensed mental health or behavioral health
84 professional with experience providing mental health or counseling services to adults, (f) one person who
85 is a grandparent, parent, child, sibling, or spouse or domestic partner of a person currently incarcerated
86 within the Commonwealth and who is serving a term of incarceration of three years or more, (g) one
87 current or former Department correctional officer in a supervisory role selected from an association of
88 correctional officers and employees or a nonprofit organization in which he is a member, (h) one current
89 or former Department line correctional officer selected from an association of correctional officers and
90 employees or a nonprofit organization in which he is a member, and (i) two persons, recommended by the
91 Director, that served as correctional employees at the Department within 10 years of appointment. The
92 two nonvoting members shall serve in an advisory role and shall consist of two current or former
93 employees of the Department, a state correctional facility outside of the Commonwealth, or a federal
94 correctional facility who served in such role within the 10 years immediately prior to appointment. Upon
95 the request of an inmate, an inmate's family member or representative, or a Department staff member,
96 employee, or contractor who believes he may be the subject of retaliation for providing testimony or other
97 information to the Office or the Committee, such nonvoting members shall be excluded from any
98 investigations, inspections, interviews, receipt of testimony, or review of documents by the Office or the
99 Committee with regard to the requester.

100 B. Members appointed pursuant to this section shall serve a term of three years. Except as provided
101 in subsection A, neither a member nor a member's spouse or domestic partner, parents, grandparents,
102 children, or siblings shall be (i) a current or former employee or contractor of the Department at any time
103 during the 10 years prior to his appointment to the Committee or (ii) involved in active litigation against
104 the Department. Members of the Committee shall not serve more than three consecutive terms. The
105 Committee shall be co-chaired by two legislative members appointed pursuant to subsection A who are
106 not members of the same chamber of the legislature or of the same political party. A co-chairman shall
107 serve a term of three years and shall not serve more than two consecutive terms. The Committee co-

108 chairmen shall be selected by the leaders of their respective political parties in the House of Delegates and
109 the Senate. Except as provided in subsection A, all members of the Committee shall have the power to
110 vote on matters and actions before the Committee. Matters and actions of the Committee shall be decided
111 pursuant to a majority vote of the voting members present. To vote on actions or matters before the
112 Committee, a quorum must exist, which shall include the Committee co-chairmen and 10 of the other
113 voting members.

114 C. The Committee shall meet as the co-chairmen deem necessary, or on the call of a majority of
115 the members.

116 D. Pursuant to §§ 2.2-2813 and 2.2-2825, Committee members are not eligible to receive
117 compensation but are eligible for reimbursement of expenses.

118 E. The Committee shall hold at least one public hearing each year to present, review, and discuss
119 the Office's inspections, findings, reports, and recommendations set forth in the Office's annual report.

120 F. The Committee co-chairmen, or their designees, shall meet at least twice each year with the
121 Governor and the Director to report on the work and findings of the Committee and shall provide
122 testimony before the relevant committees of the House of Delegates and Senate upon request from the
123 committee chairman or vice-chairman or ranking member.

124 G. Upon a majority vote of its voting members, the Committee may make an ex parte application
125 to the circuit court for the county or city wherein evidence sought is kept for the issuance of a subpoena
126 duces tecum in furtherance of an investigation or to request production by the Department of any relevant
127 records, documents, or other evidence, with the exception of confidential employee files and active
128 internal affairs investigations. The court may issue and compel compliance with such a subpoena upon a
129 showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may
130 be destroyed or altered, the court may issue a subpoena for the appearance of an individual before any
131 hearing conducted by the Committee. The subpoena shall be served by the Office and enforced by the
132 circuit court. Department employees may have counsel present during testimony. Subpoenas so issued
133 shall be served and, upon application to the court by the Committee, enforced in the manner provided by
134 law for the service and enforcement of subpoenas in a civil action.

135 H. The Committee shall conduct, at a minimum, one random inspection of a facility each year and
136 shall visit a different facility upon each inspection. All members of the Committee may be present during
137 each inspection and shall not announce an inspection to any individual or entity outside of the Committee
138 before such inspection occurs. During the course of an inspection, members of the Committee shall have
139 the same access to the facility, inmates, staff, documents, and records in accordance with § 53.1-17.4 and
140 shall have the same powers as granted to the Office for an inspection pursuant to § 53.1-17.6.

141 **§ 53.1-17.4. Access to facilities and records.**

142 A. The Office shall have reasonable access, upon request in person or in writing and with or
143 without prior notice, to all Department facilities, including all areas that are used by inmates, all areas that
144 are accessible to inmates, and to programs for inmates, at reasonable times, which at a minimum shall
145 include normal working and visiting hours. This authority includes the opportunity to conduct an interview
146 with any inmate, Department employee or contractor, or other person. This access is to (i) provide
147 information about individual rights and the services available from the Office, including the name,
148 address, and telephone number of the Office facilities or staff; (ii) conduct official inspections as defined
149 in § 53.1-17.6; (iii) conduct an official investigation as provided in § 53.1-17.7; and (iv) inspect, view,
150 photograph, and record by video all areas of the facility that are used by inmates or are accessible to
151 inmates. However, such access is subject to the Department's security policies and procedures and
152 Committee members may not visit incarcerated family members outside of Department visitation policies
153 and procedures. The Office shall preserve the confidentiality of any information obtained from the
154 Department in accordance with applicable state and federal laws.

155 B. Access to inmates includes the opportunity to meet and communicate privately and
156 confidentially with individuals regularly, with or without prior notice, both formally and informally, by
157 telephone, mail, and electronic communication and in person. In the case of communications with inmates,
158 these communications shall not be monitored by, recorded, or conducted in the presence of employees or
159 contractors of the Department. Meetings with inmates may be recorded by members of the Office at their
160 discretion and with the inmate's consent. Any such recordings are subject to the provisions of § 53.1-17.5.

161 C. The Office shall have the right to access, inspect, and copy all relevant information, records, or
162 documents in the possession or control of the Department, with the exception of confidential employee
163 files and active internal affairs investigations, that the Office considers necessary in an investigation of a
164 complaint filed under this article, and the Department shall assist the Office in obtaining the necessary
165 releases for those documents that are specifically restricted or privileged for use by the Office. The Office
166 shall preserve the confidentiality of any information obtained from the Department in accordance with
167 applicable state and federal laws.

168 D. Access to Department employees or contractors includes the opportunity to meet and
169 communicate privately and confidentially with individuals during inspections or normal working hours,
170 with or without prior notice, both formally and informally, by telephone, mail, and electronic
171 communication and in person. Meetings with Department employees or contractors may be recorded by
172 members of the Office at their discretion and with the individual's consent.

173 E. The Office shall have the power to issue a subpoena to the Department for records, documents,
174 or data in the Department's possession, and for Department staff, contractors, or representatives to appear
175 and provide information to the Office. Subpoenas so issued shall be served and, upon application to the
176 court by the Office, enforced in the manner provided by law for the service and enforcement of subpoenas
177 in a civil action. Department employees may have counsel or a representative from their employee
178 organization present during testimony.

179 F. Following notification from the Office of a written request for access to Department records,
180 the designated Department staff shall provide the Office with access to the requested documentation not
181 later than 20 working days after receipt of the written request. If the records requested pertain to (i) an
182 inmate death; (ii) threats of bodily harm, including sexual or physical assaults; or (iii) the denial of
183 necessary medical treatment, the records shall be provided within five working days unless the Office
184 consents to an extension.

185 G. The Office shall work with the Department to minimize disruption to operations of the
186 Department due to an investigation by the Office. The Office shall comply with the Department security
187 processes, provided these processes do not impede the investigation or resulting activities of the Office.

188 § 53.1-17.5. Communications; confidentiality.

189 A. Any correspondence or communication with the Office as provided by this article shall be
190 confidential, except as provided in this section. Photographs or video recordings taken within a
191 Department facility pursuant to subsection A of § 53.1-17.4 shall also be confidential if the Office
192 determines that such photographs or video recordings contain information that is not otherwise publicly
193 available and their dissemination to the public would jeopardize the safety or security of inmates or
194 employees of the Department, or they can be used to identify inmates.

195 B. The Office shall establish rules and procedures to guarantee the confidentiality of such
196 information gathered and maintained by the Office. The Office shall not reveal to (i) Department
197 employees or contractors or (ii) other inmates the identity of a complainant before, during, or after an
198 investigation to the greatest extent practicable, except as is necessary to effectively carry out an
199 investigation.

200 C. The Office shall reveal information if necessary to prevent reasonably certain death or
201 substantial bodily harm or the commission of a crime.

202 D. The Office shall make available to the Department any information necessary to further a
203 criminal investigation pursuant to subdivision 11 of § 53.1-10.

204 E. The Office shall keep confidential all matters under investigation, including the identities of
205 recipients of Ombudsman services, complainants, and individuals from whom information is acquired,
206 unless disclosure is necessary for the performance of its duties. If the Office believes it is necessary to
207 reveal investigative records for any reason, it shall provide a copy of the information to be disclosed to
208 the Department for review and application of legal exemptions prior to disclosure. If the Office receives
209 personal identifying information about corrections staff during the course of an investigation that is
210 unnecessary or unrelated to the subject of the investigation or related recommendation, the Office shall
211 not further disclose such information. Prior to the disclosure of any such information, the Office shall
212 provide notice to the applicable staff person and the Director.

213 F. Upon receipt of information that is confidential or privileged, the Office shall maintain the
214 confidentiality of such information and shall not further disclose or disseminate the information except as

215 provided by applicable state or federal law or as authorized by this section. All communications and
216 records exchanged between the Office and the Department, including investigation records, are
217 confidential and exempt from all public disclosure requirements.

218 **§ 53.1-17.6. Inspection authority; inspection and assessment; report; safety and compliance**
219 **classification.**

220 A. The Office shall conduct periodic inspections of each facility maintained by the Department.
221 The initial inspection of each individual facility shall be conducted by July 1, 2026, and the findings shall
222 be publicly reported or included in the annual report established in § 53.1-17.8.

223 B. An inspection of any facility may include an assessment of the following:

224 1. Any policies and procedures related to the care of inmates;

225 2. Conditions of confinement;

226 3. Availability of educational and rehabilitative programming, drug and mental health treatment,
227 and inmate jobs and vocational training;

228 4. Any policies and procedures related to visitation;

229 5. Any medical facilities and medical policies and procedures;

230 6. Any lockdowns at the facility in the time since the last inspection or, in the instance of the initial
231 inspection, any lockdowns at the facility within the previous three years;

232 7. Staffing at the facility, including the number of staff, job assignments, the ratio of staff to
233 inmates, and the number of staff vacancies;

234 8. Physical or sexual assaults at the facility in the time since the last inspection or, in the instance
235 of the initial inspection, any physical or sexual assaults within the previous three years;

236 9. Inmate or staff deaths at the facility in the time since the last inspection or, in the instance of the
237 initial inspection, any inmate or staff deaths within the previous three years;

238 10. Any policies and procedures related to Department staff recruitment, training, supervision, and
239 discipline;

240 11. Availability of complaint and grievance forms at the facility and the accessibility of the
241 administrative remedies process to inmates and their representatives; and

242 12. Any other aspect of the operation of the facility that the Office determines is necessary to assess
243 or that relates to covered issues.

244 C. The Department shall respond in writing to each inspection report issued by the Office within
245 20 working days of the issuance of the report and in its response shall include a corrective action plan.
246 The Office shall monitor the Department's compliance with the corrective action plan and may conduct
247 further inspections or investigations as necessary to ensure such compliance.

248 D. Nothing in this section shall be construed to limit the ability of the Office or members of the
249 Committee to enter and inspect a Department facility at any time, with or without advance notice, as
250 described in §§ 53.1-17.3 and 53.1-17.4, subject to the Department's security policies and procedures.

251 **§ 53.1-17.7. Authority to investigate complaints.**

252 A. The Office may initiate and attempt to resolve an investigation upon its own initiative, or upon
253 receipt of a complaint from an inmate, a family member or representative of an inmate, a Department
254 employee or contractor, or others, regarding (i) abuse or neglect; (ii) conditions of confinement; (iii)
255 decisions or administrative actions by the Department; (iv) inactions or omissions of the Department; (v)
256 Department policies, rules, or procedures; or (vi) alleged violations of law by Department employees or
257 contractors that may adversely affect the health, safety, welfare, or rights of inmates.

258 B. The Office may decline to investigate any complaint. Upon declining to investigate a complaint,
259 the Office shall notify the complainant in writing of the decision not to investigate and shall include the
260 reasons for such decision. If the complainant is an inmate, the Office shall inform an inmate that the inmate
261 is entitled to use the Department's policies regarding resolution of inmate grievances and shall provide
262 information and a complete set of forms to the inmate to complete the resolution of inmate grievances.
263 The Department shall not toll any procedural deadlines imposed on inmates for filing a grievance or
264 complaint as part of the administrative remedy process until five business days after the inmate received
265 the information and forms from the Office by inmate legal mail process. The Office shall decline to
266 investigate a complaint if the inmate has failed to first use the Department's policies regarding resolution
267 of inmate grievances, unless the inmate provides evidence that the complaint is legitimate and the inmate
268 made a good faith attempt to exhaust the administrative remedy process and was impeded or procedurally

269 defaulted by no fault of his own. If the Office finds that inmates repeatedly assert their inability to utilize
270 the administrative remedy process despite their good faith efforts, the Office may conduct an unannounced
271 inspection of the facility in question to determine whether the facility is making the administrative process
272 and grievance forms accessible to inmates.

273 C. The Office shall not investigate any complaints relating to an inmate's underlying criminal
274 conviction. The Office may refer the complainant and others to the appropriate resources or state or federal
275 agencies.

276 D. The Office may not levy any fees for the submission or investigation of complaints.

277 E. At the conclusion of an investigation, the Office shall render a decision on the merits of each
278 complaint. The Office shall communicate the decision to the complainant and to the Department. The
279 Office shall state its recommendations and reasoning if the Office determines that the Department, or any
280 employee or contractor thereof, should (i) consider the matter further; (ii) modify or cancel any action;
281 (iii) alter a rule, practice, or ruling; (iv) explain in detail the administrative action in question; or (v) rectify
282 an omission. Upon request of the Office, the Department shall inform the Office in writing about any
283 action taken on the recommendations or the reasons for not complying with such recommendations.
284 Aggregated information related to complaints received and complaint resolutions shall be made publicly
285 available pursuant to § 53.1-17.8.

286 F. If the Office believes that there has been or continues to be a significant issue with inmate health,
287 safety, welfare, or rehabilitation, the Office shall report the finding to the Governor, the Attorney General,
288 the Senate Committee for Courts of Justice, the House Committee on Public Safety, the Committee, and
289 the Director.

290 G. In the event that the Department conducts its own internal disciplinary investigation and review
291 of one or more staff members as a result of the investigation of the Office, such disciplinary investigation
292 and review may be subject to additional investigation and review by the Office to ensure a fair and
293 objective process.

294 H. Prior to announcing a conclusion or recommendation, the Office shall consult with the
295 Department or any person individually named in the conclusion or recommendation. The Office may

296 request to be notified, within a specified time, by the Department of any action taken on any
297 recommendation presented.

298 I. The Department and any employees or contractors thereof shall not discharge, retaliate against,
299 or in any manner discriminate against any person because such person has filed any complaint or instituted
300 or caused to be instituted any proceeding pursuant to this article. Any alleged discharge, retaliation against,
301 or discrimination against a complainant may be considered by the Office as an appropriate subject for
302 investigation.

303 **§ 53.1-17.8. Annual report.**

304 A. The Office shall produce an annual report to be made available to the public online and to be
305 delivered to the Governor, the Attorney General, the Senate Committee for Courts of Justice, the House
306 Committee on Public Safety, the Committee, and the Director by December 31 of each year. The report
307 shall include:

308 1. A summary of the Office's inspections and complaint investigations conducted that fiscal year,
309 including the Office's findings and recommendations and the Department responses and corrective
310 actions;

311 2. A characterization of the conditions of confinement at each facility;

312 3. A summary of available educational and rehabilitative programming, drug and mental health
313 treatment, and inmate jobs and vocational training at each facility;

314 4. A summary of visitation policies and procedures at each facility;

315 5. A summary of medical facilities and medical policies and procedures at each facility;

316 6. A summary of the lockdowns reviewed by the Office;

317 7. A summary of staffing at each facility;

318 8. A summary of physical or sexual assaults reviewed by the Office;

319 9. A summary of any inmate or staff deaths that occurred at each facility;

320 10. A summary of the Office's investigations, findings, and resolutions of any complaints
321 submitted pursuant to § 53.1-17.7; and

322 11. Any recommendations to the General Assembly and the Department.

323 B. If the Office so requests, the Department shall, within the time specified, inform the Office in
324 writing about any action taken on the recommendations included in the annual report or the reasons for
325 not complying with such recommendations.

326 **§ 53.1-17.9. Inmate and family support services.**

327 A. For the purposes of this section, "family member" means a grandparent, parent, sibling, spouse
328 or domestic partner, child, parent's sibling, cousin, sibling's child, grandchild, or any other person related
329 by blood, adoption, marriage, or a fostering relationship.

330 B. For the purposes of this section, covered issues include (i) sanitation in correctional facilities;
331 (ii) access to proper nutrition and clean and adequate water supplies; (iii) habitable temperatures in
332 correctional facilities; (iv) physical or sexual abuse from fellow inmates; (v) physical or sexual abuse from
333 staff; (vi) credible threats against self from other inmates, staff, or contractors; (vii) neglect of staff or
334 contractors that results in physical or sexual trauma; (viii) denial or violation of rights; (ix) access to
335 visitation and communication with family and legal representation; (x) access to medical or mental health
336 care or substance abuse treatment; (xi) access to educational and rehabilitative programming, drug and
337 mental health treatment, and inmate jobs and vocational training; (xii) access to the Department's
338 administrative remedies process for inmates and their representatives, including the availability of
339 complaint and grievance forms and the timely, unbiased resolution of grievances; and (xiii) adequate and
340 qualified staffing in each Department facility.

341 C. The Office shall provide a statewide toll-free telephone number, a mailing address, and paper
342 and electronic forms for inmates, family members, friends, and advocates to submit complaints and
343 inquiries regarding covered issues on behalf of an inmate incarcerated in a Department facility. Upon
344 receipt of a complaint or inquiry, the Office shall (i) confirm receipt of such complaint or injury and (ii)
345 make a determination and notify the complainant as to whether an investigation is warranted. Paper forms
346 shall be made available to all inmates and shall be provided to inmates upon request to a Department
347 employee or contractor, including when the inmate is in administrative segregation or solitary
348 confinement. Department employees and contractors must treat such paper forms as confidential and
349 privileged in the same manner as legal correspondence or communication. All incoming and outgoing

350 inmate mail is subject to the Department's security screening processes and procedures. The Office and
351 Director shall guarantee that calls made by inmates, employees, and contractors to file complaints and
352 inquiries with the Office regarding covered issues are confidential and are not monitored or recorded.

353 D. The provisions of subsection I of § 53.1-17.7 shall apply to complaints or inquiries made
354 pursuant to this section.

355 E. The Ombudsman shall develop a short-term and long-term strategic plan that (i) is informed by
356 visits to Department facilities, at least two public meetings, consultation with stakeholders, and review of
357 best practices in other states; (ii) includes procedures for coordination with existing employees at the
358 Office of the State Inspector General and the Department, in collaboration with those employees and with
359 the goal of complementing existing efforts; and (iii) includes potential options and recommendations for
360 legislation and budget actions that would support its short-term and long-term goals. The Office shall
361 provide a report on its initial activities and strategic plan to the Governor and the General Assembly on or
362 before November 15, 2025.

363 **§ 53.1-17.10. Exhaustion of remedies.**

364 Any action or lack of action by the Office on a complaint made pursuant to this article shall not be
365 deemed an administrative procedure required for exhaustion of remedies before bringing an action
366 pursuant to 42 U.S.C. § 1997(e).

367 **2. That any member of the Corrections Oversight Committee established by Chapter 1 of the Acts**
368 **of Assembly of 2023, Special Session I, shall be a member of the Corrections Oversight Committee**
369 **established pursuant to § 53.1-17.3 of the Code of Virginia, as created by this act, for the duration**
370 **of their term, as long as they meet the criteria for the Corrections Oversight Committee established**
371 **by this act.**

372 **3. That the Office of the Department of Corrections Ombudsman (the Office), created pursuant to**
373 **§ 53.1-17.2 of the Code of Virginia, as created by this act, shall enter into a memorandum of**
374 **agreement with the Department of Corrections (the Department) to establish procedures for**
375 **coordination between the Office and employees at the Department in handling grievance complaints**
376 **and internal investigations.**

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