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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 999 Session of  
2019

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INTRODUCED BY FIEDLER, MURT, HILL-EVANS, McCLINTON, CEPHAS,  
FRANKEL, ROTHMAN, KENYATTA, WILLIAMS, KINSEY, SCHLOSSBERG,  
T. DAVIS, CALTAGIRONE, STURLA, YOUNGBLOOD, HARRIS, DALEY,  
HOWARD, FREEMAN, DEASY, SANCHEZ, FITZGERALD AND HOHENSTEIN,  
APRIL 2, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 2, 2019

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AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, in miscellaneous provisions, providing  
3 for appointment of ombudsmen.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 61 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5908. Appointment of ombudsmen.

9 (a) Appointment.--No later than 180 days after the effective  
10 date of this section, the Attorney General, in consultation with  
11 the Ombudsman Selection Board, shall appoint no less than two  
12 ombudsmen to monitor and oversee the department's facilities.

13 The ombudsmen shall monitor and oversee the department's  
14 facilities in the manner and allotment as determined by the  
15 department. The ombudsmen shall meet all of the following  
16 qualifications:

17 (1) Have knowledge of the policies and procedures of

1 correctional institutions in this Commonwealth.

2 (2) Have no less than one year of experience working in  
3 the criminal justice system.

4 (3) Have experience with and knowledge of trauma-  
5 informed care practices.

6 (4) Possess any other qualities the Attorney General  
7 deems necessary to carry out the duties specified under  
8 subsection (c).

9 (b) Ombudsman Selection Board.--The Ombudsman Selection  
10 Board is established in the Office of Attorney General to  
11 consult the Attorney General with appointing qualified  
12 individuals as ombudsmen. The Ombudsman Selection Board shall  
13 consist of all of the following members:

14 (1) Two individuals representing civil rights  
15 organizations.

16 (2) Two individuals representing organizations that  
17 assist incarcerated individuals with a preference for  
18 individuals who were formerly incarcerated.

19 (c) Duties of ombudsmen.--

20 (1) The ombudsmen shall monitor and oversee all of the  
21 following:

22 (i) Transportation of incarcerated individuals.

23 (ii) The use of segregated housing.

24 (iii) Strip searches of incarcerated individuals.

25 (iv) The mental health support of incarcerated  
26 individuals.

27 (v) Civil rights violations.

28 (2) The ombudsmen may make recommendations to the  
29 department based on any information ascertained under  
30 paragraph (1).

1           (3) Each ombudsman shall compile quarterly reports and  
2 make the reports available to the public with all of the  
3 following information:

4           (i) The number and type of civil rights violations  
5 encountered.

6           (ii) The amount of time that lapsed before the civil  
7 rights violations were rectified.

8           (iii) Any other pertinent information relating to  
9 civil rights violation as determined by the Attorney  
10 General.

11           (4) The ombudsmen shall notify the Attorney General if  
12 the ombudsmen encounter an individual perpetrating a civil  
13 rights violation against an incarcerated individual.

14           (d) Duties of chief administrators.--The chief administrator  
15 of a correctional institution shall provide all of the  
16 following:

17           (1) A private and enclosed office space or room for a  
18 visiting ombudsman.

19           (2) A locked postal mailbox within the correctional  
20 institution where incarcerated individuals may place their  
21 written grievances or concerns about the correctional  
22 institution at any time.

23           (e) Duties of Attorney General.--Upon receiving a notice  
24 under subsection (c) (4), the Attorney General may initiate a  
25 civil action against the alleged perpetrator for injunction,  
26 damages or other appropriate civil or equitable relief or refer  
27 the alleged perpetrator to the appropriate law enforcement  
28 officials if all of the following apply:

29           (1) All internal avenues have been exhausted in trying  
30 to address the alleged civil rights violation.

1           (2) The alleged civil rights violation constitutes a  
2 violation of Federal or State law or internal department  
3 policy.

4           (3) The incarcerated individual who is the victim of the  
5 alleged civil rights violation authorizes the ombudsmen to  
6 notify the Attorney General of the alleged civil rights  
7 violation.

8           (f) Vacancies.--If an ombudsman position becomes vacant, the  
9 Attorney General shall appoint an ombudsman to fill the position  
10 in the same manner specified under subsection (a). A vacancy in  
11 the position of ombudsman shall be filled no later than six  
12 months after the vacancy occurs.

13           (g) Construction.--Nothing in this section shall be  
14 construed to authorize the ombudsmen to engage in any of the  
15 following:

16           (1) Changing rules, policies or procedures.

17           (2) Participating in any formal hearing or grievance  
18 process.

19           (3) Disclosing confidential department information or  
20 information provided in confidence by a department official  
21 or employee.

22           (4) Superseding the authority of the department.

23           (h) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26           "Ombudsmen." Individuals who work independently as  
27 intermediaries to provide a confidential avenue to address  
28 complaints, resolve issues and propose policy and procedural  
29 changes when systemic issues are identified.

30           Section 2. This act shall take effect in 60 days.