

REFERENCE TITLE: **correctional oversight committee**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2626

Introduced by
Representative Carter

AN ACT

**AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 20;
RELATING TO CORRECTIONS OVERSIGHT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 20, to read:

4 CHAPTER 20

5 CORRECTIONAL OVERSIGHT COMMITTEE

6 ARTICLE 1. GENERAL PROVISIONS

7 41-2351. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "COMMITTEE" MEANS THE CORRECTIONAL OVERSIGHT COMMITTEE.

10 2. "COVERED ISSUES" INCLUDES:

11 (a) SANITATION IN PRISON FACILITIES.

12 (b) ACCESS TO PROPER NUTRITION AND A CLEAN AND ADEQUATE WATER
13 SUPPLY.

14 (c) LIVABLE TEMPERATURES IN PRISON FACILITIES.

15 (d) PHYSICAL OR SEXUAL ABUSE FROM FELLOW INMATES.

16 (e) PHYSICAL OR SEXUAL ABUSE FROM DEPARTMENT STAFF OR CONTRACTORS.

17 (f) CREDIBLE THREATS AGAINST AN INMATE FROM OTHER INMATES, PRISON
18 STAFF OR CONTRACTORS.

19 (g) NEGLECT OF PRISON STAFF OR CONTRACTORS THAT RESULTS IN PHYSICAL
20 OR SEXUAL TRAUMA.

21 (h) DENIAL OF RIGHTS AFFORDED TO INMATES UNDER FEDERAL OR STATE
22 LAW.

23 (i) ACCESS TO VISITATION AND COMMUNICATION WITH FAMILY AND LEGAL
24 REPRESENTATION.

25 (j) ANY INSTANCE IN WHICH THE COMMITTEE DETERMINES AN ACTION OR
26 BEHAVIOR TO BE SUCH THAT IT CONSTITUTES ABUSE OR NEGLECT AGAINST AN
27 INMATE.

28 (k) ACCESS TO MEDICAL OR MENTAL HEALTH CARE OR SUBSTANCE ABUSE
29 TREATMENT.

30 (l) ACCESS TO EDUCATIONAL AND REHABILITATIVE PROGRAMMING, DRUG AND
31 MENTAL HEALTH TREATMENT AND INMATE JOBS AND VOCATIONAL TRAINING.

32 (m) ACCESS TO THE DEPARTMENT'S ADMINISTRATIVE REMEDIES PROCESS FOR
33 INMATES AND INMATE REPRESENTATIVES, INCLUDING THE AVAILABILITY OF
34 COMPLAINT AND GRIEVANCE FORMS AND THE TIMELY AND UNBIASED RESOLUTION OF
35 GRIEVANCES.

36 (n) ADEQUATE AND QUALIFIED STAFF IN EACH FACILITY.

37 (o) CAPITAL IMPROVEMENTS OR REPAIRS THAT MAY BE NEEDED FOR
38 FACILITIES.

39 3. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF CORRECTIONS.

40 4. "FAMILY MEMBER" INCLUDES AN INMATE'S GRANDPARENT, PARENT,
41 SIBLING, SPOUSE, DOMESTIC PARTNER, CHILD, GRANDCHILD, AUNT, UNCLE, COUSIN,
42 NIECE OR NEPHEW OR ANY OTHER PERSON WHO IS RELATED TO THE INMATE BY BLOOD,
43 ADOPTION, MARRIAGE OR A FOSTERING RELATIONSHIP.

44 5. "GOOD CAUSE" MEANS A VIOLATION OF A FEDERAL OR STATE LAW, PUBLIC
45 CORRUPTION, FRAUD, DERELICTION OF DUTY OR ABUSE OF OFFICE.

1 6. "PRISON" OR "FACILITY" INCLUDES ANY PLACE OF CONFINEMENT, NOT
2 INCLUDING COUNTY JAILS, THAT IS OPERATED BY THE DEPARTMENT OR ANY
3 NONPROFIT, FOR-PROFIT, NONGOVERNMENTAL OR PRIVATE ENTITY THAT ENTERS INTO
4 A CONTRACTUAL ARRANGEMENT WITH THIS STATE OR THE DEPARTMENT TO OPERATE OR
5 MAINTAIN A PLACE OF CONFINEMENT.

6 41-2352. Correctional oversight committee; members; public
7 hearings; voting requirements; quorum; subpoena
8 enforcement

9 A. THE CORRECTIONAL OVERSIGHT COMMITTEE IS ESTABLISHED CONSISTING
10 OF THE FOLLOWING MEMBERS:

11 1. TWO MEMBERS OF THE SENATE WHO ARE NOT MEMBERS OF THE SAME
12 POLITICAL PARTY. THE PRESIDENT OF THE SENATE SHALL SELECT ONE MEMBER AND
13 THE SENATE MINORITY LEADER SHALL SELECT ONE MEMBER.

14 2. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE NOT MEMBERS
15 OF THE SAME POLITICAL PARTY. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
16 SHALL SELECT ONE MEMBER AND THE HOUSE OF REPRESENTATIVES MINORITY LEADER
17 SHALL SELECT ONE MEMBER.

18 3. THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE GOVERNOR:

19 (a) ONE MEMBER WHO REPRESENTS AN INMATE ADVOCACY ORGANIZATION.

20 (b) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT PROVIDES INMATE
21 TRAINING OR REHABILITATION PROGRAMS.

22 (c) ONE MALE MEMBER OF THE GENERAL PUBLIC WHO WAS PREVIOUSLY
23 INCARCERATED IN THE DEPARTMENT.

24 (d) ONE FEMALE MEMBER OF THE GENERAL PUBLIC WHO WAS PREVIOUSLY
25 INCARCERATED IN THE DEPARTMENT.

26 (e) ONE MEMBER WHO IS A PHYSICIAN LICENSED PURSUANT TO TITLE 32,
27 CHAPTER 13 OR 17 AND WHO SPECIALIZES IN FAMILY MEDICINE OR INTERNAL
28 MEDICINE.

29 (f) ONE MEMBER WHO IS A MENTAL OR BEHAVIORAL HEALTH PROFESSIONAL,
30 WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 19.1 OR 33 AND WHO HAS A
31 HISTORY OF PROVIDING MENTAL HEALTH SERVICES OR COUNSELING TO ADULTS.

32 (g) ONE MEMBER WHO IS A GRANDPARENT, PARENT, CHILD, SIBLING, SPOUSE
33 OR DOMESTIC PARTNER OF A PERSON WHO COMPLETED A TERM OF AT LEAST THREE
34 YEARS OF INCARCERATION IN ONE OR MORE FACILITIES AND WHO RECEIVED AN
35 ABSOLUTE DISCHARGE FROM THE DEPARTMENT WITHIN THE FIVE YEARS PRECEDING THE
36 DATE OF THE MEMBER'S APPOINTMENT.

37 (h) ONE MEMBER WHO REPRESENTS AN ASSOCIATION OR ORGANIZATION THAT
38 REPRESENTS CORRECTIONAL STAFF.

39 (i) TWO PUBLIC MEMBERS.

40 B. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3
41 OF THIS SECTION:

42 1. SERVE FIVE-YEAR TERMS AND MAY NOT SERVE MORE THAN TWO
43 CONSECUTIVE TERMS.

1 2. MAY NOT BE CURRENT DEPARTMENT EMPLOYEES OR CONTRACTORS OR HAVE
2 BEEN EMPLOYED BY OR CONTRACTED WITH THE DEPARTMENT FOR AT LEAST TEN YEARS
3 BEFORE APPOINTMENT.

4 3. MAY NOT HAVE PARENTS, CHILDREN, SPOUSES OR DOMESTIC PARTNERS WHO
5 ARE CURRENT DEPARTMENT EMPLOYEES OR CONTRACTORS UNLESS SPECIFICALLY
6 ALLOWED BY LAW.

7 C. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3,
8 SUBDIVISIONS (a), (b) AND (i) OF THIS SECTION MAY NOT BE EMPLOYED BY OR
9 REPRESENT AN ORGANIZATION WITH AN ACTIVE SERVICE AGREEMENT WITH OR
10 FINANCIAL INTEREST IN THE DEPARTMENT OR OTHERWISE PROVIDE FOR-PROFIT
11 SERVICES TO INMATES OR FAMILY MEMBERS.

12 D. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3,
13 SUBDIVISION (i) OF THIS SECTION MAY NOT BE EITHER OF THE FOLLOWING:

14 1. CURRENT OR FORMER EMPLOYEES OF A LAW ENFORCEMENT AGENCY, A
15 COUNTY ATTORNEY'S OFFICE OR THE UNITED STATES ATTORNEY'S OFFICE.

16 2. A VICTIM OR IN THE SAME FAMILY AS A VICTIM OF A CRIME THAT WAS
17 COMMITTED BY A CURRENT INMATE IN A FACILITY.

18 E. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3,
19 SUBDIVISIONS (c) AND (d) OF THIS SECTION MUST HAVE COMPLETED A TERM OF AT
20 LEAST THREE YEARS OF INCARCERATION IN ONE OR MORE FACILITIES AND RECEIVED
21 AN ABSOLUTE DISCHARGE FROM THE DEPARTMENT WITHIN THE FIVE YEARS PRECEDING
22 THE DATE OF THE MEMBER'S APPOINTMENT.

23 F. ONE MEMBER WHO IS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH
24 1 OF THIS SECTION AND ONE MEMBER WHO IS APPOINTED PURSUANT TO SUBSECTION
25 A, PARAGRAPH 2 OF THIS SECTION SHALL SERVE AS COCHAIRPERSONS. THE
26 COCHAIRPERSONS MAY NOT BE FROM THE SAME POLITICAL PARTY.

27 G. THE COMMITTEE SHALL MEET QUARTERLY, AS THE COCHAIRPERSONS DEEM
28 NECESSARY, OR ON THE CALL OF THE MAJORITY OF THE MEMBERS.

29 H. THE PRESENCE OF NINE MEMBERS OF THE COMMITTEE CONSTITUTES A
30 QUORUM AND A MAJORITY VOTE OF THE MEMBERS PRESENT IS NECESSARY FOR THE
31 COMMITTEE TO TAKE ACTION ON A MATTER.

32 I. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT
33 ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER
34 4, ARTICLE 2.

35 J. THE COMMITTEE MAY:

36 1. HIRE STAFF, CONTRACTORS AND UNPAID VOLUNTEERS AND SECURE OFFICE
37 SPACE, EQUIPMENT AND OTHER SERVICES NECESSARY TO CARRY OUT THE DUTIES OF
38 THE COMMITTEE. ANY EMPLOYEE, CONTRACTOR OR UNPAID VOLUNTEER WHO IS HIRED
39 OR RETAINED BY THE COMMITTEE HAS THE SAME AUTHORITY AND DUTIES OF THE
40 COMMITTEE DESCRIBED IN THIS ARTICLE. A STAFF MEMBER OR VOLUNTEER MAY NOT:

41 (a) HAVE A FAMILY MEMBER WHO IS AN INMATE.

42 (b) HAVE A FAMILY MEMBER WHO IS A CURRENT EMPLOYEE OR CONTRACTOR OF
43 THE DEPARTMENT.

44 (c) BE A CURRENT EMPLOYEE OR CONTRACTOR OF THE DEPARTMENT.

1 (d) BE A VICTIM OR HAVE A FAMILY MEMBER WHO IS A VICTIM OF A CRIME
2 COMMITTED BY A CURRENT INMATE IN A FACILITY.

3 2. CONTRACT WITH EXPERTS AS NEEDED TO ASSIST IN MONITORING AND
4 INSPECTING FACILITIES, ASSESSING DATA AND REVIEWING, INVESTIGATING OR
5 RESOLVING COMPLAINTS.

6 K. THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING EACH YEAR
7 TO PRESENT, REVIEW AND DISCUSS THE COMMITTEE'S INSPECTIONS, FINDINGS,
8 REPORTS AND RECOMMENDATIONS SET FORTH IN THE COMMITTEE'S ANNUAL REPORT
9 PRESCRIBED IN SECTION 41-2357 AND SHALL HOLD QUARTERLY PUBLIC HEARINGS TO
10 PRESENT, REVIEW AND DISCUSS ANY OTHER DATA, REPORTS OR FINDINGS THAT THE
11 COMMITTEE DEEMS RELEVANT.

12 L. THE COMMITTEE SHALL CONDUCT RANDOM BIENNIAL INSPECTIONS OF A
13 FACILITY AND SHALL VISIT DIFFERENT FACILITIES ON EACH INSPECTION. THE
14 COMMITTEE MAY NOT ANNOUNCE AN INSPECTION TO ANY INDIVIDUAL OR ENTITY
15 OUTSIDE OF THE COMMITTEE BEFORE THE INSPECTION OCCURS. THE DEPARTMENT
16 SHALL ENSURE FULL ACCESS TO THE FACILITY, INMATES AND STAFF CONSISTENT
17 WITH SECTION 41-2353, SUBSECTION A.

18 M. THE LEGISLATURE SHALL PROVIDE THE COMMITTEE WITH OFFICE SPACE,
19 MEETING SPACE, SUPPLIES AND ADMINISTRATIVE PERSONNEL AS NEEDED.

20 N. THE COMMITTEE COCHAIRPERSONS SHALL MEET WITH THE GOVERNOR AND
21 THE DIRECTOR OF THE DEPARTMENT AT LEAST TWO TIMES EACH YEAR TO REPORT ON
22 THE WORK AND FINDINGS OF THE COMMITTEE.

23 O. THE COMMITTEE MAY ISSUE SUBPOENAS TO THE DEPARTMENT FOR RECORDS,
24 DOCUMENTS OR DATA IN THE DEPARTMENT'S POSSESSION AND FOR DEPARTMENT STAFF,
25 CONTRACTORS OR REPRESENTATIVES TO APPEAR AND TESTIFY BEFORE THE COMMITTEE.
26 AFTER A SUBPOENA IS SERVED AND, ON APPLICATION TO THE COURT, THE COMMITTEE
27 MAY ENFORCE A SUBPOENA IN THE SAME MANNER PROVIDED BY LAW FOR THE SERVICE
28 AND ENFORCEMENT OF A SUBPOENA IN A CIVIL ACTION. IF AN ENTITY FAILS TO
29 COMPLY WITH A SUBPOENA, THE COMMITTEE MAY PURSUE ENFORCEMENT OF THE
30 SUBPOENA IN A COURT OR REFER THE SUBPOENA TO THE SPEAKER OF THE HOUSE OF
31 REPRESENTATIVES, THE PRESIDENT OF THE SENATE OR THE CHAIRMAN OF ANY
32 COMMITTEE OF THE LEGISLATURE FOR ENFORCEMENT IN THE SAME MANNER AND
33 SUBJECT TO THE SAME PENALTIES PRESCRIBED IN CHAPTER 7, ARTICLE 4 OF THIS
34 TITLE.

35 41-2353. Committee authority; access to department records
36 and facilities; subpoena

37 A. THE COMMITTEE MUST HAVE ACCESS IN THE SAME MANNER AS THE
38 DIRECTOR, ON DEMAND, IN PERSON OR IN WRITING AND WITH OR WITHOUT PRIOR
39 NOTICE, TO ALL FACILITIES, INCLUDING ALL AREAS THAT ARE USED BY OR ARE
40 OTHERWISE ACCESSIBLE TO INMATES, DEPARTMENT STAFF AND CONTRACTORS, AND TO
41 PROGRAMS FOR INMATES AT REASONABLE TIMES WHICH, AT A MINIMUM, INCLUDES
42 ACCESS DURING NORMAL WORKING HOURS AND VISITING HOURS AND THE OPPORTUNITY
43 TO INTERVIEW ANY INMATE, DEPARTMENT EMPLOYEE OR CONTRACTOR OR OTHER PERSON
44 FOR THE PURPOSE OF:

1 1. PROVIDING INFORMATION ABOUT INDIVIDUAL RIGHTS AND THE SERVICES
2 AVAILABLE FROM THE COMMITTEE, INCLUDING THE NAME, ADDRESS AND TELEPHONE
3 NUMBER OF THE COMMITTEE FACILITIES OR STAFF.

4 2. CONDUCTING OFFICIAL INSPECTIONS AS PRESCRIBED IN SECTIONS
5 41-2352 AND 41-2355.

6 3. INSPECTING, VIEWING, PHOTOGRAPHING AND VIDEO RECORDING ALL AREAS
7 OF THE FACILITY THAT ARE USED BY OR ARE ACCESSIBLE TO INMATES.

8 B. WHEN ACCESSING INMATES, THE DEPARTMENT MUST GIVE THE COMMITTEE
9 THE OPPORTUNITY TO MEET AND COMMUNICATE PRIVATELY AND CONFIDENTIALLY WITH
10 INMATES REGULARLY, WITH OR WITHOUT PRIOR NOTICE, BOTH FORMALLY AND
11 INFORMALLY, BY TELEPHONE, MAIL AND ELECTRONIC COMMUNICATION AND IN PERSON.
12 DEPARTMENT EMPLOYEES OR CONTRACTORS MAY NOT MONITOR, RECORD OR BE PRESENT
13 WHEN THE COMMITTEE COMMUNICATES WITH INMATES. WITH CONSENT OF THE INMATE,
14 MEMBERS OF THE COMMITTEE MAY RECORD MEETINGS WITH INMATES. A COMMITTEE
15 RECORDING OF AN INMATE IS CONFIDENTIAL AND IS NOT ACCESSIBLE TO A
16 DEPARTMENT EMPLOYEE OR CONTRACTOR.

17 C. ACCESS TO DEPARTMENT EMPLOYEES OR CONTRACTORS INCLUDES THE
18 OPPORTUNITY TO MEET AND COMMUNICATE PRIVATELY AND CONFIDENTIALLY WITH
19 INDIVIDUALS DURING AN INSPECTION OR NORMAL WORKING HOURS, WITH OR WITHOUT
20 PRIOR NOTICE, BOTH FORMALLY AND INFORMALLY, BY TELEPHONE, MAIL AND
21 ELECTRONIC COMMUNICATION AND IN PERSON. WITH THE CONSENT OF THE
22 DEPARTMENT EMPLOYEE OR CONTRACTOR, COMMITTEE MEMBERS MAY RECORD THE
23 MEETING WITH THE DEPARTMENT EMPLOYEE OR CONTRACTOR.

24 D. THE COMMITTEE MAY ACCESS, INSPECT AND COPY ALL RELEVANT
25 INFORMATION, RECORDS OR DOCUMENTS THAT ARE IN THE POSSESSION OR CONTROL OF
26 THE DEPARTMENT AND THAT THE COMMITTEE CONSIDERS NECESSARY TO INVESTIGATE A
27 COMPLAINT. THE DEPARTMENT MUST ASSIST THE COMMITTEE IN OBTAINING THE
28 NECESSARY RELEASES FOR THOSE DOCUMENTS THAT ARE SPECIFICALLY RESTRICTED OR
29 PRIVILEGED FOR USE BY THE COMMITTEE.

30 E. FOLLOWING NOTIFICATION FROM THE COMMITTEE WITH A WRITTEN DEMAND
31 FOR ACCESS TO DEPARTMENT RECORDS, THE DESIGNATED DEPARTMENT STAFF MUST
32 PROVIDE THE COMMITTEE WITH ACCESS TO THE REQUESTED DOCUMENTATION NOT LATER
33 THAN TWENTY BUSINESS DAYS AFTER THE COMMITTEE'S WRITTEN REQUEST FOR THE
34 RECORDS. IF THE REQUESTED RECORDS PERTAIN TO AN INMATE DEATH, THREATS OF
35 BODILY HARM, INCLUDING SEXUAL OR PHYSICAL ASSAULTS, OR THE DENIAL OF
36 NECESSARY MEDICAL TREATMENT, THE DEPARTMENT MUST PROVIDE THE RECORDS
37 WITHIN FIVE DAYS, UNLESS THE COMMITTEE CONSENTS TO AN EXTENSION OF THAT
38 TIME FRAME.

39 F. THE COMMITTEE MUST WORK WITH THE DEPARTMENT TO MINIMIZE
40 DISRUPTION TO THE OPERATIONS OF THE DEPARTMENT DUE TO COMMITTEE'S
41 ACTIVITIES AND MUST COMPLY WITH THE DEPARTMENT'S REASONABLE SECURITY
42 CLEARANCE PROCESSES, IF THESE PROCESSES DO NOT IMPEDE THE ACTIVITIES
43 ALLOWED BY THIS SECTION.

44 G. THE COMMITTEE MAY SUBPOENA RECORDS, DOCUMENTS OR DATA THAT ARE
45 IN THE DEPARTMENT'S POSSESSION OR DEPARTMENT STAFF, CONTRACTORS OR

1 REPRESENTATIVES TO APPEAR AND PROVIDE INFORMATION TO THE COMMITTEE. A
2 SUBPOENA THAT IS ISSUED BY THE COMMITTEE MUST BE SERVED AND, ON
3 APPLICATION TO THE COURT, MAY BE ENFORCED IN THE MANNER PROVIDED BY LAW
4 FOR THE SERVICE AND ENFORCEMENT OF SUBPOENAS IN A CIVIL ACTION. IF AN
5 ENTITY FAILS TO COMPLY WITH A SUBPOENA, THE COMMITTEE MAY PURSUE
6 ENFORCEMENT OF THE SUBPOENA IN A COURT OR REFER THE SUBPOENA TO THE
7 COMMITTEE FOR ENFORCEMENT IN THE SAME MANNER AND SUBJECT TO THE SAME
8 PENALTIES AS A LEGISLATIVE SUBPOENA PURSUANT TO CHAPTER 7, ARTICLE 4 OF
9 THIS TITLE.

10 41-2354. Confidential communications

11 A. ALL CORRESPONDENCE AND COMMUNICATION WITH THE COMMITTEE ARE
12 CONFIDENTIAL AND PRIVILEGED.

13 B. THE COMMITTEE SHALL ESTABLISH CONFIDENTIALITY RULES AND
14 PROCEDURES FOR ALL INFORMATION MAINTAINED BY THE COMMITTEE TO ENSURE THAT
15 THE IDENTITY OF A COMPLAINANT REMAINS CONFIDENTIAL BEFORE, DURING AND
16 AFTER AN INVESTIGATION TO THE GREATEST EXTENT PRACTICABLE. THE COMMITTEE
17 MAY DISCLOSE A COMPLAINANT'S IDENTIFYING INFORMATION FOR THE SOLE PURPOSE
18 OF CARRYING OUT AN INVESTIGATION.

19 41-2355. Inspection authority; report

20 A. THE COMMITTEE SHALL INSPECT EACH FACILITY AND RELEASE A PUBLIC
21 REPORT WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE
22 COMMITTEE SHALL CONDUCT SUBSEQUENT INSPECTIONS ON A STAGGERED SCHEDULE
23 DEPENDING ON THE FACILITY'S SAFETY AND COMPLIANCE CLASSIFICATION.

24 B. DURING AN INSPECTION, THE COMMITTEE SHALL ASSESS OR REVIEW ALL
25 OF THE FOLLOWING:

26 1. THE FACILITY'S POLICIES AND PROCEDURES THAT RELATE TO THE CARE
27 OF INMATES.

28 2. THE CONDITIONS OF CONFINEMENT.

29 3. THE AVAILABILITY OF EDUCATIONAL AND REHABILITATIVE PROGRAMMING,
30 DRUG AND MENTAL HEALTH TREATMENT AND INMATE JOBS AND VOCATIONAL TRAINING.

31 4. POLICIES AND PROCEDURES RELATING TO VISITATION.

32 5. MEDICAL FACILITIES AND MEDICAL PROCEDURES AND POLICIES.

33 6. LOCKDOWNS AT THE FACILITY THAT OCCURRED SINCE THE LAST
34 INSPECTION. FOR THE INITIAL ASSESSMENT, THE COMMITTEE SHALL REVIEW
35 LOCKDOWNS THAT OCCURRED DURING THE PREVIOUS THREE YEARS.

36 7. FACILITY STAFFING, INCLUDING THE NUMBER AND JOB ASSIGNMENTS OF
37 CORRECTIONAL STAFF, THE RATIO OF STAFF TO INMATES AT THE FACILITY AND THE
38 STAFF POSITION VACANCY RATE AT THE FACILITY.

39 8. PHYSICAL AND SEXUAL ASSAULTS AT THE FACILITY THAT OCCURRED SINCE
40 THE LAST INSPECTION. FOR THE INITIAL ASSESSMENT, THE COMMITTEE SHALL
41 REVIEW ASSAULTS THAT OCCURRED DURING THE PREVIOUS THREE YEARS.

42 9. INMATE OR STAFF DEATHS THAT OCCURRED AT THE FACILITY SINCE THE
43 LAST INSPECTION. FOR THE INITIAL ASSESSMENT, THE COMMITTEE SHALL REVIEW
44 INMATE AND STAFF DEATHS THAT OCCURRED DURING THE PREVIOUS THREE YEARS.

- 1 10. DEPARTMENT STAFF RECRUITMENT, TRAINING, SUPERVISION AND
2 DISCIPLINE.
- 3 11. THE AVAILABILITY OF COMPLAINT AND GRIEVANCE FORMS AT A FACILITY
4 AND THE ACCESSIBILITY OF THE ADMINISTRATIVE REMEDIES PROCESS TO INMATES
5 AND INMATE REPRESENTATIVES.
- 6 12. ANY OTHER ASPECT OF FACILITY OPERATIONS THAT THE COMMITTEE
7 DEEMS NECESSARY OVER THE COURSE OF AN INSPECTION OR THAT RELATES TO A
8 COVERED ISSUE.
- 9 C. AFTER COMPLETING AN INSPECTION, THE COMMITTEE SHALL PREPARE AND
10 PUBLISH A REPORT, MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE INTERNET
11 AND SUBMIT THE REPORT TO THE GOVERNOR, THE ATTORNEY GENERAL, THE PRESIDENT
12 OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
13 CORRECTIONAL OVERSIGHT COMMITTEE AND THE DIRECTOR OF THE STATE DEPARTMENT
14 OF CORRECTIONS AND PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF
15 STATE. THE REPORT MUST INCLUDE:
- 16 1. A SUMMARY OF THE FACILITY'S POLICIES AND PROCEDURES RELATING TO
17 INMATE CARE.
- 18 2. A DESCRIPTION OF THE CONDITIONS OF CONFINEMENT.
- 19 3. A CATALOGUE OF AVAILABLE EDUCATIONAL AND REHABILITATIVE
20 PROGRAMMING, DRUG AND MENTAL HEALTH TREATMENT AND INMATE JOBS AND
21 VOCATIONAL TRAINING.
- 22 4. A SUMMARY OF VISITATION POLICIES AND PROCEDURES.
- 23 5. A SUMMARY OF MEDICAL FACILITIES AND MEDICAL PROCEDURES AND
24 POLICIES.
- 25 6. A SUMMARY OF THE LOCKDOWNS REVIEWED BY THE COMMITTEE.
- 26 7. A SUMMARY OF FACILITY STAFFING, INCLUDING POLICIES RELATING TO
27 STAFF RECRUITMENT, TRAINING, SUPERVISION AND DISCIPLINE.
- 28 8. A SUMMARY OF PHYSICAL AND SEXUAL ASSAULTS THAT OCCURRED AT THE
29 FACILITY AND THAT WERE REVIEWED BY THE COMMITTEE.
- 30 9. A SUMMARY OF INMATE OR STAFF DEATHS THAT OCCURRED AT THE
31 FACILITY.
- 32 10. A SUMMARY OF THE AVAILABILITY OF COMPLAINT AND GRIEVANCE FORMS
33 AT THE FACILITY, THE ACCESSIBILITY OF THE ADMINISTRATIVE REMEDIES PROCESS
34 FOR INMATES AND INMATE REPRESENTATIVES AND THE FACILITY'S TIMELY AND
35 UNBIASED RESOLUTION OF COMPLAINTS AND GRIEVANCES.
- 36 11. RECOMMENDATIONS FOR IMPROVING CONDITIONS AND SAFETY WITHIN THE
37 FACILITY.
- 38 12. A SAFETY AND COMPLIANCE CLASSIFICATION WITH A RECOMMENDED
39 TIMELINE FOR THE NEXT INSPECTION.
- 40 D. AFTER COMPLETING AN INSPECTION, THE COMMITTEE SHALL ASSIGN THE
41 FACILITY A SAFETY AND COMPLIANCE CLASSIFICATION. THE COMMITTEE SHALL
42 ESTABLISH A CLASSIFICATION SYSTEM THAT CONSISTS OF THE FOLLOWING THREE
43 TIERS AND THAT IS DETERMINED BASED ON THE FACTORS DESCRIBED IN SUBSECTION
44 B OF THIS SECTION:

1 TO EXHAUST THE ADMINISTRATIVE REMEDY PROCESS AND WAS IMPEDED OR
2 PROCEDURALLY DEFAULTED BY NO FAULT OF THE INMATE.

3 C. IF THE COMMITTEE FINDS THAT INMATES REPEATEDLY ASSERT THEIR
4 INABILITY TO USE THE ADMINISTRATIVE REMEDY PROCESS DESPITE THE INMATES'
5 GOOD FAITH EFFORTS, THE COMMITTEE MAY CONDUCT AN UNANNOUNCED INSPECTION OF
6 THE FACILITY WHERE THE ISSUES ARE OCCURRING TO DETERMINE WHETHER THE
7 FACILITY IS MAKING THE ADMINISTRATIVE PROCESS AND GRIEVANCE FORMS
8 ACCESSIBLE TO INMATES.

9 D. IF THE COMMITTEE DOES NOT INVESTIGATE A COMPLAINT, THE COMMITTEE
10 SHALL NOTIFY THE COMPLAINANT IN WRITING OF THE DECISION NOT TO INVESTIGATE
11 AND THE REASONS FOR THE DECISION.

12 E. THE COMMITTEE'S ACTION OR LACK OF ACTION ON A COMPLAINT MAY NOT
13 BE DEEMED AN ADMINISTRATIVE PROCEDURE REQUIRED FOR EXHAUSTION OF REMEDIES
14 BEFORE BRINGING AN ACTION PURSUANT TO 42 UNITED STATES CODE SECTION 1997e
15 OR FILING A NOTICE OF CLAIM THAT IS REQUIRED BY SECTION 12-821.01.

16 F. THE COMMITTEE MAY NOT INVESTIGATE EITHER OF THE FOLLOWING
17 COMPLAINTS:

18 1. A COMPLAINT THAT RELATES TO AN INMATE'S UNDERLYING CRIMINAL
19 CONVICTION.

20 2. A COMPLAINT FROM A DEPARTMENT EMPLOYEE OR CONTRACTOR THAT
21 RELATES TO THE EMPLOYEE'S OR CONTRACTOR'S EMPLOYMENT RELATIONSHIP WITH THE
22 DEPARTMENT UNLESS THE COMPLAINT RELATES TO INMATE HEALTH, SAFETY, WELFARE
23 OR REHABILITATION.

24 G. THE COMMITTEE MAY REFER THE COMPLAINANT AND OTHERS TO
25 APPROPRIATE RESOURCES OR STATE, TRIBAL OR FEDERAL AGENCIES.

26 H. THE COMMITTEE MAY NOT LEVY ANY FEES FOR THE SUBMISSION OR
27 INVESTIGATION OF COMPLAINTS.

28 I. AFTER INVESTIGATING A COMPLAINT, THE COMMITTEE MUST RENDER A
29 PUBLIC DECISION ON THE MERITS OF EACH COMPLAINT, EXCEPT THAT THE DOCUMENTS
30 SUPPORTING THE DECISION ARE SUBJECT TO THE CONFIDENTIALITY PROVISIONS OF
31 SECTION 41-2354. THE COMMITTEE MUST INFORM THE INMATE AND THE DEPARTMENT
32 OF THE DECISION. THE COMMITTEE MUST STATE THE RECOMMENDATIONS AND
33 REASONING IF, IN THE COMMITTEE'S OPINION, THE DEPARTMENT OR ANY DEPARTMENT
34 EMPLOYEE OR CONTRACTOR SHOULD DO ANY OF THE FOLLOWING:

- 35 1. CONSIDER THE MATTER FURTHER.
- 36 2. MODIFY OR CANCEL ANY ACTION.
- 37 3. ALTER A RULE, PRACTICE OR RULING.
- 38 4. EXPLAIN IN DETAIL THE ADMINISTRATIVE ACTION IN QUESTION.
- 39 5. RECTIFY AN OMISSION.

40 J. ON THE REQUEST OF THE COMMITTEE, THE DEPARTMENT, WITHIN THE TIME
41 SPECIFIED, SHALL INFORM THE COMMITTEE IN WRITING ABOUT ANY ACTION TAKEN ON
42 THE RECOMMENDATIONS OR THE REASONS FOR NOT COMPLYING WITH THE
43 RECOMMENDATIONS.

44 K. IF THE COMMITTEE BELIEVES, BASED ON THE INVESTIGATION, THAT
45 THERE HAS BEEN OR CONTINUES TO BE A SIGNIFICANT INMATE HEALTH, SAFETY,

1 WELFARE OR REHABILITATION ISSUE, THE COMMITTEE MUST REPORT THE FINDING TO
2 THE GOVERNOR, THE ATTORNEY GENERAL, THE PRESIDENT OF THE SENATE, THE
3 SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE DIRECTOR OF THE STATE
4 DEPARTMENT OF CORRECTIONS AND SHALL PROVIDE A COPY OF THIS REPORT TO THE
5 SECRETARY OF STATE.

6 L. IF THE DEPARTMENT CONDUCTS AN INTERNAL DISCIPLINARY
7 INVESTIGATION AND REVIEW OF ONE OR MORE DEPARTMENT STAFF MEMBERS AS A
8 RESULT OF AN INVESTIGATION, THE DEPARTMENT'S DISCIPLINARY REVIEW MAY BE
9 SUBJECT TO ADDITIONAL REVIEW AND INVESTIGATION BY THE COMMITTEE TO ENSURE
10 A FAIR AND OBJECTIVE PROCESS.

11 M. BEFORE ANNOUNCING A CONCLUSION OR RECOMMENDATION THAT EXPRESSLY
12 OR IMPLICITLY CRITICIZES A PERSON OR THE DEPARTMENT, THE COMMITTEE SHALL
13 CONSULT WITH THAT PERSON OR THE DEPARTMENT. THE COMMITTEE MAY REQUEST TO
14 BE NOTIFIED BY THE DEPARTMENT, WITHIN A SPECIFIED TIME, OF ANY ACTION
15 TAKEN ON ANY RECOMMENDATION PRESENTED.

16 N. THE DEPARTMENT AND THE DEPARTMENT'S EMPLOYEES AND CONTRACTORS
17 MAY NOT DISCHARGE, RETALIATE AGAINST OR IN ANY MANNER DISCRIMINATE AGAINST
18 ANY PERSON BECAUSE THAT PERSON FILED A COMPLAINT OR INSTITUTED OR CAUSED
19 TO BE INSTITUTED A PROCEEDING UNDER OR RELATING TO THIS SECTION.

20 O. THE COMMITTEE MAY CONSIDER ANY ALLEGED DISCHARGE, RETALIATION
21 AGAINST OR DISCRIMINATION AGAINST A COMPLAINANT TO BE AN APPROPRIATE
22 SUBJECT OF AN INVESTIGATION.

23 P. ANY DEPARTMENT EMPLOYEE OR CONTRACTOR WHO BELIEVES THAT THE
24 EMPLOYEE OR CONTRACTOR HAS BEEN DISCHARGED OR OTHERWISE DISCRIMINATED
25 AGAINST BY ANY PERSON IN VIOLATION OF THIS SECTION, WITHIN THIRTY DAYS
26 AFTER THE VIOLATION OCCURS, MAY FILE A COMPLAINT WITH THE INDUSTRIAL
27 COMMISSION OF ARIZONA AND IS ENTITLED TO PURSUE AND RECEIVE THE REMEDIES
28 PROVIDED IN TITLE 23.

29 41-2357. Annual report

30 A. BY DECEMBER 31 OF EACH YEAR, THE COMMITTEE SHALL PREPARE AND
31 PUBLISH AN ANNUAL REPORT, MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE
32 INTERNET AND DELIVER THE REPORT TO THE GOVERNOR, THE ATTORNEY GENERAL, THE
33 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
34 THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS AND PROVIDE A COPY OF
35 THE REPORT TO THE SECRETARY OF STATE. THE ANNUAL REPORT MUST INCLUDE:

36 1. A SUMMARY OF THE COMMITTEE'S INSPECTIONS AND COMPLAINT
37 INVESTIGATIONS CONDUCTED THAT CALENDAR YEAR, INCLUDING THE COMMITTEE'S
38 FINDINGS AND RECOMMENDATIONS AND THE DEPARTMENT'S RESPONSES AND CORRECTIVE
39 ACTIONS.

40 2. A CHARACTERIZATION OF THE CONDITIONS OF CONFINEMENT.

41 3. A SUMMARY OF AVAILABLE EDUCATIONAL AND REHABILITATIVE
42 PROGRAMMING, DRUG AND MENTAL HEALTH TREATMENT AND INMATE JOBS AND
43 VOCATIONAL TRAINING.

44 4. A SUMMARY OF VISITATION POLICIES AND PROCEDURES.

- 1 5. A SUMMARY OF MEDICAL FACILITIES AND MEDICAL PROCEDURES AND
2 POLICIES.
- 3 6. A SUMMARY OF THE LOCKDOWNS REVIEWED BY THE COMMITTEE.
- 4 7. A SUMMARY OF THE STAFFING AT EACH FACILITY AND IN THE DEPARTMENT
5 OVERALL.
- 6 8. A SUMMARY OF PHYSICAL AND SEXUAL ASSAULTS REVIEWED BY THE
7 COMMITTEE.
- 8 9. A SUMMARY OF INMATE OR STAFF DEATHS THAT OCCURRED AT A FACILITY.
- 9 10. A SUMMARY OF THE COMMITTEE'S INVESTIGATIONS, FINDINGS AND
10 RESOLUTIONS OF ANY COMPLAINTS.
- 11 11. RECOMMENDATIONS TO THE LEGISLATURE AND THE DEPARTMENT REGARDING
12 THE FOLLOWING:
- 13 (a) HOW THE COMMITTEE AND THE DEPARTMENT ARE FUNDED AND STAFFED.
- 14 (b) IMPROVING STAFF RETENTION, TRAINING, WORKING CONDITIONS,
15 COMPENSATION, BENEFITS, MORALE AND SAFETY.
- 16 (c) IMPROVING INMATE HEALTH, SAFETY, CONDITIONS OF CONFINEMENT,
17 MEDICAL CARE AND MENTAL HEALTH CARE.
- 18 (d) IMPROVING VISITATION AND LIMITING LOCKDOWNS AND ADMINISTRATIVE
19 SEGREGATION OR SOLITARY CONFINEMENT.
- 20 (e) IMPROVING COMPLAINT INVESTIGATION AND RESOLUTION AND THE
21 DEPARTMENT'S ADMINISTRATIVE REMEDIES PROCESS.
- 22 (f) IMPROVING ACCESS TO AND QUALITY AND AVAILABILITY OF EDUCATIONAL
23 AND REHABILITATIVE PROGRAMMING, DRUG AND MENTAL HEALTH TREATMENT AND
24 INMATE JOBS AND VOCATIONAL TRAINING.
- 25 (g) IMPROVING TRANSPARENCY ABOUT CONDITIONS IN THE FACILITIES AND
26 THE DEPARTMENT OVERALL.
- 27 (h) IMPROVING THE DISCIPLINARY PROCESS TO HOLD STAFF ACCOUNTABLE
28 FOR MISTREATMENT OF INMATES.
- 29 (i) PREVENTING FUTURE VIOLATIONS OF INMATE RIGHTS THAT ARE
30 PROTECTED UNDER STATE AND FEDERAL LAW.
- 31 (j) IMPROVING FACILITIES, INCLUDING ANY NECESSARY CAPITAL
32 IMPROVEMENTS AND REPAIRS.
- 33 B. ON THE REQUEST OF THE COMMITTEE, THE DEPARTMENT, WITHIN THE TIME
34 SPECIFIED, SHALL INFORM THE COMMITTEE IN WRITING ABOUT ANY ACTION TAKEN ON
35 THE RECOMMENDATIONS OR THE REASONS FOR NOT COMPLYING WITH THE
36 RECOMMENDATIONS.
- 37 41-2358. Inmate and family member complaint forms; hotline
- 38 A. THE COMMITTEE SHALL PROVIDE THE FOLLOWING SECURE ONLINE FORMS:
- 39 1. THE FAMILY FORM, WHICH IS MADE AVAILABLE ON THE COMMITTEE'S
40 WEBSITE AND WHICH ALLOWS FAMILY MEMBERS, FRIENDS AND ADVOCATES TO SUBMIT
41 COMPLAINTS AND MAKE INQUIRIES REGARDING COVERED ISSUES ON BEHALF OF AN
42 INMATE.
- 43 2. THE INMATE FORM, WHICH IS MADE AVAILABLE IN PAPER FORM AND ON
44 THE DEPARTMENT'S SECURE INTRANET NETWORK AND TO WHICH INMATES MAY SUBMIT

1 COMPLAINTS AND INQUIRIES REGARDING COVERED ISSUES ON THE INMATE'S OWN
2 BEHALF.

3 B. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS SHALL ENSURE
4 THAT THE INMATE FORM IS AVAILABLE AND OPERATING ON AT LEAST TWELVE
5 COMPUTERS WITHIN EACH FACILITY AND IS ACCESSIBLE TO ALL INMATES FROM
6 7:00 A.M. TO 7:00 P.M. EACH DAY. FOR INMATES IN ADMINISTRATIVE
7 SEGREGATION OR SOLITARY CONFINEMENT, THE DEPARTMENT SHALL ENSURE THAT
8 DEPARTMENT EMPLOYEES AND CONTRACTORS PROVIDE INMATES WITH ACCESS TO PAPER
9 COPIES OF THE INMATE FORM OR THE ONLINE FORM ON A COMPUTER OR COMPUTER
10 TABLET ON THE INMATE'S REQUEST. THE DEPARTMENT SHALL MAKE PAPER COPIES OF
11 THE INMATE FORM AVAILABLE, AT NO COST TO INMATES, IN EACH FACILITY'S
12 LIBRARY, LAW LIBRARY AND RECREATIONAL AND MEDICAL FACILITIES AND SHALL
13 ENSURE THAT AN ADEQUATE SUPPLY OF FORMS ARE AVAILABLE.

14 C. THE COMMITTEE SHALL CREATE THE INMATE FORM IN A SECURE FORMAT
15 THAT EXCLUDES ANY ELECTRONIC MONITORING OR REPRODUCTION BY THE DEPARTMENT
16 AND THE DEPARTMENT'S EMPLOYEES AND CONTRACTORS. DEPARTMENT EMPLOYEES AND
17 CONTRACTORS MUST TREAT PAPER COPIES OF THE INMATE FORM AS CONFIDENTIAL AND
18 PRIVILEGED IN THE SAME MANNER AS LEGAL CORRESPONDENCE OR COMMUNICATION.
19 THE PAPER FORM MUST HAVE A PREAMBITTED ENVELOPE FOR THE INMATE TO SEAL
20 THE CONTENTS OF THE FORM AND ONCE SEALED BY THE INMATE MAY NOT BE OPENED
21 OR OTHERWISE DAMAGED BY A DEPARTMENT EMPLOYEE OR CONTRACTOR. THE
22 DEPARTMENT MUST ACCEPT THE PAPER FORM AND ENVELOPE SEALED BY THE INMATE
23 AND MAY NOT REQUIRE INSPECTION OF THE ENVELOPE CONTENTS BEFORE FORWARDING
24 THE PAPER FORM AND ENVELOPE TO THE COMMITTEE.

25 D. THE COMMITTEE SHALL ESTABLISH A TELEPHONE HOTLINE THAT FAMILY
26 MEMBERS, FRIENDS AND ADVOCATES OF INMATES CAN CALL TO FILE COMPLAINTS AND
27 MAKE INQUIRIES REGARDING COVERED ISSUES ON BEHALF OF AN INMATE.

28 E. THE COMMITTEE SHALL ESTABLISH A SECURE TELEPHONE HOTLINE THAT IS
29 AVAILABLE TO ALL DEPARTMENT EMPLOYEES, CONTRACTORS AND INMATES TO FILE
30 COMPLAINTS AND MAKE INQUIRIES REGARDING COVERED ISSUES ON THEIR BEHALF.
31 THE COMMITTEE SHALL ENSURE THAT THE TELEPHONE HOTLINE IS WORKING AND IS
32 PROPERLY MONITORED BY PERFORMING RANDOM CALLS TO THE TELEPHONE HOTLINE
33 EACH MONTH. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS SHALL
34 ENSURE THAT THE SECURE TELEPHONE HOTLINE AND THE HOTLINE'S USE ARE MADE
35 AVAILABLE TO ALL INMATES FREE OF CHARGE. THE COMMITTEE AND THE DIRECTOR
36 OF THE STATE DEPARTMENT OF CORRECTIONS SHALL ENSURE THAT CALLS TO THE
37 SECURE TELEPHONE HOTLINE ARE NOT MONITORED OR RECORDED BY DEPARTMENT
38 EMPLOYEES OR CONTRACTORS.

39 F. ON RECEIVING A COMPLAINT OR INQUIRY FROM A FAMILY FORM, AN
40 INMATE FORM OR A HOTLINE, THE COMMITTEE SHALL DO ALL OF THE FOLLOWING:

41 1. CONFIRM RECEIPT OF THE COMPLAINT OR INQUIRY WITHIN FIVE BUSINESS
42 DAYS.

43 2. DETERMINE WHETHER AN INVESTIGATION IS WARRANTED WITHIN SEVEN
44 BUSINESS DAYS AFTER CONFIRMING RECEIPT OF THE COMPLAINT AND NOTIFY THE
45 COMPLAINANT.

1 3. IF THE COMMITTEE DETERMINES AN INVESTIGATION IS UNWARRANTED,
2 PROVIDE A WRITTEN STATEMENT REGARDING ITS DECISION TO THE COMPLAINANT.

3 G. THE DEPARTMENT AND THE DEPARTMENT'S EMPLOYEES AND CONTRACTORS
4 MAY NOT DISCHARGE, RETALIATE AGAINST OR IN ANY MANNER DISCRIMINATE AGAINST
5 ANY PERSON BECAUSE THAT PERSON HAS FILED A COMPLAINT OR INSTITUTED OR
6 CAUSED TO BE INSTITUTED ANY PROCEEDING UNDER OR RELATING TO THIS SECTION.

7 H. THE COMMITTEE MAY CONSIDER ANY ALLEGED DISCHARGE, RETALIATION
8 AGAINST OR DISCRIMINATION AGAINST A COMPLAINANT TO BE AN APPROPRIATE
9 SUBJECT OF AN INVESTIGATION.

10 I. A DEPARTMENT EMPLOYEE OR CONTRACTOR WHO BELIEVES THAT THE
11 EMPLOYEE OR CONTRACTOR HAS BEEN DISCHARGED OR OTHERWISE DISCRIMINATED
12 AGAINST BY ANY PERSON IN VIOLATION OF THIS SECTION, WITHIN THIRTY DAYS
13 AFTER THE VIOLATION OCCURS, MAY FILE A COMPLAINT WITH THE INDUSTRIAL
14 COMMISSION OF ARIZONA AND IS ENTITLED TO PURSUE AND RECEIVE THE REMEDIES
15 PROVIDED IN TITLE 23.

16 J. THE COMMITTEE'S ACTION OR LACK OF ACTION ON A COMPLAINT MADE
17 PURSUANT TO THIS SECTION IS NOT DEEMED AN ADMINISTRATIVE PROCEDURE
18 REQUIRED FOR EXHAUSTION OF REMEDIES BEFORE BRINGING AN ACTION PURSUANT TO
19 42 UNITED STATES CODE SECTION 1997e OR FILING A NOTICE OF CLAIM PURSUANT
20 TO SECTION 12-821.01.

21 Sec. 2. Initial terms of the members of the correctional
22 oversight committee

23 A. Notwithstanding section 41-2352, Arizona Revised Statutes, as
24 added by this act, the initial terms of committee members who are
25 appointed pursuant to section 41-2352, subsection A, paragraph 3, Arizona
26 Revised Statutes, as added by this act, are:

- 27 1. Three terms ending January 1, 2027.
- 28 2. Three terms ending January 1, 2028.
- 29 3. Four terms ending January 1, 2029.

30 B. The governor shall make all subsequent appointments as
31 prescribed by statute.