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SENATE BILL NO. 456

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety
on February 23, 2024)

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

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

7. To inspect each state correctional facility at least once every three years and at least once every year for any maximum security facility and any facility where the Office has found cause for more frequent inspection or monitoring;

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

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

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

B. The Office shall be directed by a Department of Corrections Ombudsman (the Ombudsman) who shall be selected by the State Inspector General. The Co-Chairmen of the Corrections Oversight Committee (the Committee), established pursuant to § 53.1-17.3, or their designees, shall be invited to participate on the interview panels for finalist candidates for the Ombudsman position. The Office of the State Inspector General shall notify the Committee of the job posting for the Ombudsman position when the employment opportunity is made available. The State Inspector General shall select an Ombudsman who has training or experience in criminal law, including any experience with local or state correctional law, and shall consider his history of judgment, independence, objectivity, and integrity. Neither the Ombudsman nor the Ombudsman's spouse or domestic partner, parents, grandparents, children, or siblings shall be a current or former employee or contractor of the Department. The Ombudsman shall have the authority to make recommendations to the State Inspector General to (i) hire staff, contractors, and unpaid volunteers; (ii) secure office space, equipment, and other services necessary to carry out the duties of the Office pursuant to this article; and (iii) contract with experts as

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60 necessary to assist in the monitoring and inspection of facilities, the assessment of data, and the review,
61 investigation, or resolution of complaints. A staff member or volunteer hired to work in the Office shall
62 have the same authority and duties of the Office as described in this article. A staff member or
63 volunteer hired by the Ombudsman shall not be (a) a person with a family member who is a current
64 inmate of the Department, (b) a person with a family member who is a current employee or contractor
65 of the Department, (c) a current employee or contractor of the Department, or (d) a victim or a family
66 member of a victim of a crime committed by an inmate currently in the custody of the Department.

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

73 **§ 53.1-17.3. Corrections Oversight Committee; membership; authority.**

74 A. There is created a Corrections Oversight Committee (the Committee) that shall consist of 13
75 voting members and two nonvoting members. Such voting members shall be appointed as follows: (i)
76 two members of the Senate who are not members of the same political party, to be appointed by the
77 Senate Committee on Rules; (ii) two members of the House of Delegates who are not members of the
78 same political party, to be appointed by the Speaker of the House of Delegates; and (iii) the following
79 nonlegislative citizen members to be appointed by the Governor: (a) one representative of a nonprofit
80 prisoner advocacy group, (b) one representative of a nonprofit organization that provides training or
81 rehabilitation programs for incarcerated inmates, (c) one male citizen and one female citizen who were
82 formerly incarcerated within the Commonwealth for a term of imprisonment of three years or more
83 within the 10 years immediately preceding his appointment, provided that such citizens have had their
84 civil rights restored by the Governor, (d) one licensed physician, (e) one licensed mental health or
85 behavioral health professional with experience providing mental health or counseling services to adults,
86 (f) one person who is a grandparent, parent, child, sibling, or spouse or domestic partner of a person
87 currently incarcerated within the Commonwealth and who is serving a term of incarceration of three
88 years or more, (g) one current or former Department correctional officer in a supervisory role selected
89 from an association of correctional officers and employees or a nonprofit organization in which he is a
90 member, and (h) one current or former Department line correctional officer selected from an association
91 of correctional officers and employees or a nonprofit organization in which he is a member. The two
92 nonvoting members shall serve in an advisory role and shall consist of two current or former employees
93 of the Department, a state correctional facility outside of the Commonwealth, or a federal correctional
94 facility who served in such role within the 10 years immediately prior to appointment. Upon the request
95 of an inmate, an inmate's family member or representative, or a Department staff member, employee, or
96 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
103 time during the 10 years prior to his appointment to the Committee or (ii) involved in active litigation
104 against the Department. Members of the Committee shall not serve more than three consecutive terms.
105 The Committee shall be co-chaired by two legislative members appointed pursuant to subsection A who
106 are not members of the same chamber of the legislature or of the same political party. A co-chairman
107 shall serve a term of three years and shall not serve more than two consecutive terms. The Committee
108 co-chairmen shall be selected by the leaders of their respective political parties in the House of
109 Delegates and the Senate. Except as provided in subsection A, all members of the Committee shall have
110 the power to vote on matters and actions before the Committee. Matters and actions of the Committee
111 shall be decided pursuant to a majority vote of the voting members present. To vote on actions or
112 matters before the Committee, a quorum must exist, which shall include the Committee co-chairmen and
113 6 of the other voting members.

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

testimony before the relevant committees of the House of Delegates and Senate upon request from the committee chairman or vice-chairman or ranking member.

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

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

§ 53.1-17.4. Access to facilities and records.

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

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

C. The Office shall provide a statewide toll-free telephone number, website, and mailing address for the receipt of complaints and inquiries.

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

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

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

G. Following notification from the Office of a written request for access to Department records, the designated Department staff shall provide the Office with access to the requested documentation not

183 later than 20 days after receipt of the written request. If the records requested pertain to (i) an inmate
184 death; (ii) threats of bodily harm, including sexual or physical assaults; or (iii) the denial of necessary
185 medical treatment, the records shall be provided within five days unless the Office consents to an
186 extension.

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

190 **§ 53.1-17.5. Communications; confidentiality.**

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

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

202 C. The Office shall reveal information if necessary to prevent reasonably certain death or substantial
203 bodily harm.

204 D. 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 receives personal
207 identifying information about corrections staff during the course of an investigation that is unnecessary
208 or unrelated to the subject of the investigation or related recommendation, the Office shall not further
209 disclose such information. Prior to the disclosure of any such information, the Office shall provide
210 notice to the applicable staff person and the Director.

211 E. Upon receipt of information that is confidential or privileged, the Office shall maintain the
212 confidentiality of such information and shall not further disclose or disseminate the information except
213 as provided by applicable state or federal law or as authorized by this section.

214 **§ 53.1-17.6. Inspection authority; inspection and assessment; report; safety and compliance**
215 **classification.**

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

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

- 220 1. Any policies and procedures related to the care of inmates;
- 221 2. Conditions of confinement;
- 222 3. Availability of educational and rehabilitative programming, drug and mental health treatment, and
223 inmate jobs and vocational training;
- 224 4. Any policies and procedures related to visitation;
- 225 5. Any medical facilities and medical policies and procedures;
- 226 6. Any lockdowns at the facility in the time since the last inspection or, in the instance of the initial
227 inspection, any lockdowns at the facility within the previous three years;
- 228 7. Staffing at the facility, including the number of staff, job assignments, the ratio of staff to inmates,
229 and the number of staff vacancies;
- 230 8. Physical or sexual assaults at the facility in the time since the last inspection or, in the instance of
231 the initial inspection, any physical or sexual assaults within the previous three years;
- 232 9. Inmate or staff deaths at the facility in the time since the last inspection or, in the instance of the
233 initial inspection, any inmate or staff deaths within the previous three years;
- 234 10. Any policies and procedures related to Department staff recruitment, training, supervision, and
235 discipline;
- 236 11. Availability of complaint and grievance forms at the facility and the accessibility of the
237 administrative remedies process to inmates and their representatives; and
- 238 12. Any other aspect of the operation of the facility that the Office determines is necessary to assess
239 or that relates to covered issues.

240 C. Upon completion of an inspection, the Office shall produce a report to be made available to the
241 public online and to be delivered to the Governor, the Attorney General, the Senate Committee on
242 Rehabilitation and Social Services, the House Committee on Public Safety, and the Director. The report
243 shall include a summary of all the factors listed in subsection B, any recommendations and a safety and
244 compliance classification with a recommended timeline for the next inspection, and the Director's

response to the inspection.

D. The levels of classification shall be as follows:

1. A Tier I classification means that the facility has clear violations of rights, risks to the safety of inmates, or a severe lack of quality programming necessary for the successful rehabilitation of individuals. Such classification shall require a subsequent inspection within 12 months.

2. A Tier II classification means that the facility has violations of rights, substandard conditions of confinement, or substandard programming options. Such classification shall require a subsequent inspection within 18 to 36 months.

3. A Tier III classification means that the facility has adequate conditions of confinement and programming options. Such classification shall require a subsequent inspection within 36 months.

E. The Department shall respond in writing to each inspection report issued by the Office within 30 days of the issuance of the report and in its response shall include a corrective action plan. The Office shall monitor the Department's compliance with the corrective action plan and may conduct further inspections or investigations as necessary to ensure such compliance.

F. Nothing in this section shall be construed to limit the ability of the Office or members of the Committee to enter and inspect a Department facility at any time, with or without advance notice, as described in §§ 53.1-17.3 and 53.1-17.4.

§ 53.1-17.7. Authority to investigate complaints.

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

B. The Office may decline to investigate any complaint. Upon declining to investigate a complaint, the Office shall notify the complainant in writing of the decision not to investigate and shall include the reasons for such decision. If the complainant is an inmate, the Office shall inform an inmate that the inmate is entitled to use the Department's policies regarding resolution of inmate grievances and shall provide information and a complete set of forms to the inmate to complete the resolution of inmate grievances. The Department shall not toll any procedural deadlines imposed on inmates for filing a grievance or complaint as part of the administrative remedy process until five business days after the inmate received the information and forms from the Office by inmate legal mail process. The Office shall decline to investigate a complaint if the inmate has failed to first use the Department's policies regarding resolution of inmate grievances, unless the inmate provides evidence that the complaint is legitimate and the inmate made a good faith attempt to exhaust the administrative remedy process and was impeded or procedurally defaulted by no fault of his own. If the Office finds that inmates repeatedly assert their inability to utilize the administrative remedy process despite their good faith efforts, the Office may conduct an unannounced inspection of the facility in question to determine whether the facility is making the administrative process and grievance forms accessible to inmates.

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

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

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

F. If the Office believes that there has been or continues to be a significant issue with inmate health, safety, welfare, or rehabilitation, the Office shall report the finding to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, the Committee, and the Director.

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

H. Prior to announcing a conclusion or recommendation, the Office shall consult with the

306 Department or any person individually named in the conclusion or recommendation. The Office may
307 request to be notified, within a specified time, by the Department of any action taken on any
308 recommendation presented.

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

314 **§ 53.1-17.8. Annual report.**

315 A. The Office shall produce an annual report to be made available to the public online and to be
316 delivered to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social
317 Services, the House Committee on Public Safety, the Committee, and the Director by December 31 of
318 each year. The report shall include:

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

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

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

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

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

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

328 7. A summary of staffing at each facility;

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

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

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

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

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

337 **§ 53.1-17.9. Inmate and family support services.**

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

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

352 C. The Office shall provide a statewide toll-free telephone number, a mailing address, and paper and
353 electronic forms for inmates, family members, friends, and advocates to submit complaints and inquiries
354 regarding covered issues on behalf of an inmate incarcerated in a Department facility. Upon receipt of
355 a complaint or inquiry, the Office shall (i) confirm receipt of such complaint or inquiry and (ii) make a
356 determination and notify the complainant as to whether an investigation is warranted. Paper forms shall
357 be made available to all inmates and shall be provided to inmates upon request to a Department
358 employee or contractor, including when the inmate is in administrative segregation or solitary
359 confinement. Department employees and contractors must treat such paper forms as confidential and
360 privileged in the same manner as legal correspondence or communication. All incoming and outgoing
361 inmate mail is subject to the Department's security screening processes and procedures. The Office and
362 Director shall guarantee that calls made by inmates, employees, and contractors to file complaints and
363 inquiries with the Office regarding covered issues are confidential and are not monitored or recorded.

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

366 E. The Ombudsman shall develop a short-term and long-term strategic plan that (i) is informed by
367 visits to Department facilities, at least two public meetings, consultation with stakeholders, and review of

best practices in other states; (ii) includes procedures for coordination with existing employees at the Office of the State Inspector General and the Department, in collaboration with those employees and with the goal of complementing existing efforts; and (iii) includes potential options and recommendations for legislation and budget actions that would support its short-term and long-term goals. The Office shall provide a report on its initial activities and strategic plan to the Governor and the General Assembly on or before November 15, 2025.

§ 53.1-17.10. Exhaustion of remedies.

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

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

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