
NEW MEXICO CRIMINAL JUSTICE REFORM SUBCOMMITTEE

INDEPENDENT OVERSIGHT OF CORRECTIONS DEPARTMENTS

AMANDA ESSEX, CRIMINAL JUSTICE PROGRAM

SEPTEMBER 4, 2020



NATIONAL CONFERENCE OF STATE LEGISLATURES



- Non-profit, bipartisan organization.
- Members are all 7,383 legislators and 25,000+ legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - to provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.

MODELS OF CORRECTIONS OVERSIGHT

- Legislative committee with inspection responsibilities
- General government auditing body
- Governmental agency or commission
- Inspector general
- Ombudsperson
- Advocacy group with formal right of access
- Citizens' board or advisory committee
- Protection and advocacy organization with focus on prison issues

Pace Law Review

Volume 30
Issue 5 Fall 2010
*Opening Up a Closed World: A Sourcebook on
Prison Oversight*

Article 21

September 2010

Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory

Michele Deitch
University of Texas

LEGISLATIVE COMMITTEE WITH INSPECTION RESPONSIBILITIES

- Legislative committees that have an active oversight role which goes beyond the passage of legislation affecting correctional agencies and the review of population management issues. Legislative committees that focus on conditions in correctional facilities and the treatment of prisoners.
- Kansas Joint Legislative Committee on Corrections and Juvenile Justice Oversight
- Ohio Correctional Institutions Inspection Committee






KANSAS JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

- Members
 - Seven members from each chamber.
 - House members must include members of appropriations and judiciary committees.
- Duties
 - Monitor the inmate population and review programs, activities and plans of the DOC for duties prescribed by statute.
 - Review and study adult correctional programs and activities, and local government facilities, including jails and facilities run by private entities.
 - Make an annual report to the legislative coordinating council and special reports to other legislative committees as deemed appropriate.



- From the Ohio [CIIC website](#):
 - **CIIC serves legislators.**
 - CIIC provides objective, nonpartisan information for confidential legislator requests.
 - CIIC conducts unannounced inspections of all state correctional facilities for an unvarnished view of current conditions in Ohio.
 - CIIC published over 70 reports in the last biennium and is on track to publish a similar number this biennium, providing necessary information to decision-making legislators.
 - CIIC responds promptly to legislative offices that receive prison-related questions from district voters.
 - CIIC analyzes thousands of staff and inmate contacts, keeping its finger on the pulse of current issues in Ohio prisons.

The following outlines the sections and indicators evaluated in the inspection reports:

 <p>Safety & Security</p>	<ul style="list-style-type: none"> • Violence Outcome Measures • Use of Force • Control of Illegal Substances • Inmate Perception of Safety • Unit Security Management • Institutional Security Management • Prison Rape Elimination Act (PREA)
 <p>Health & Wellbeing</p>	<ul style="list-style-type: none"> • Unit Conditions • Medical Services • Mental Health Services • Recovery Services • Food Services • Recreation
 <p>Fair Treatment</p>	<ul style="list-style-type: none"> • Staff/Inmate Interactions • Inmate Grievance Procedure • Inmate Discipline • Transitional Program Unit (TPU)
 <p>Rehabilitation & Reentry</p>	<ul style="list-style-type: none"> • Reentry Planning • Rehabilitative Programming • Family Engagement and Community Connections • Educational Programming • Library • Vocational and Work Skill Development
 <p>Fiscal Accountability</p>	<ul style="list-style-type: none"> • Fiscal Wellness • Environmental Sustainability • Staff Management

Ohio Correctional Institution Inspection Committee

Annual evaluations of state prison facilities,
reported to legislature.

The ratings are based on a four point scale and are based on the balance of the indicator ratings for that area.

- A rating of “**Exceptional**” for an indicator means that there is no room for improvement and, generally, that the facility performs above other prisons.
- A rating of “**Good**” for an indicator means that the prison more than meets the standard, but is not significantly better than other prisons or there is still room for improvement.
- A rating of “**Acceptable**” for an indicator means that the prison just meets the standard or meets the standard with minor exceptions.
- A rating of “**In Need of Improvement**” for an indicator means that the prison does not meet standards, is significantly different from other prisons in a negative manner, or that CIIC staff had serious concerns.

Allen Correctional Institution (AOCI)

Date Inspected: 07/17/2018 – 07/19/2018, 07/25/2018

House District: 4 Senate District: 12



GOOD



GOOD



GOOD



GOOD



GOOD

Belmont Correctional Institution (BECI)

Date Inspected: 06/6/2017 – 06/7/2017, 06/12/2017

House District: 95 Senate District: 30



ACCEPTABLE



GOOD



GOOD



GOOD



GOOD

[Biennial report available here.](#)

GENERAL GOVERNMENT AUDITING BODY

Agency in state government which conducts reviews of wide variety of state agencies, not just corrections.

Florida Office of Program Policy Analysis and Governmental Accountability (OPPAGA)

- Research arm of state legislature.
- Conducts research as directed by state law, the presiding officers, or the Joint Legislative Auditing Committee.

Report Number	Report Title	Report Date
20-02	A Review of Restorative Justice in Florida and Other States	1/1/2020
19-FDCMed	Health Care Study: Florida Department of Corrections	11/1/2019
19-13	Parole and Early Release	11/1/2019
19-08	Florida Correctional Facilities	10/1/2019

Utah Legislative Auditor General

- Constitutionally established.
- Statutorily required to “conduct comprehensive and special purpose audits, examinations, and reviews of any entity that receives public funds...” Utah Code § 36-12-15.

[2013-09 - An In-Depth Budget Review of the Utah Department of Corrections](#)  AUDIT

[2008-05 - Follow-Up of A Performance Audit of the Utah Department of Corrections](#)  AUDIT

[2006-12 - A Performance Audit of the Utah Department of Corrections](#)  AUDIT

[1998-08 - A Performance Audit of the Utah Department of Corrections](#)  AUDIT



GOVERNMENTAL AGENCY OR COMMISSION

Entity external to the DOC with statutory responsibility for oversight of prisons. Authority to report on prison conditions and some may be able to sanction institutions.



GOVERNMENTAL AGENCY OR COMMISSION

Connecticut Criminal Justice Policy Advisory Commission

- Established in statute.
- Duties:
 - Develop and recommend policies for preventing prison and jail overcrowding.
 - Identify specific needs for reentry services in geographic areas throughout the state.
 - Identify institution-based and community-based programs and services that effectively address offender needs and reduce recidivism

Georgia Board of Corrections

- Established in statute.
- 19 members, one from each congressional district and 5 at-large.
- “The Board of Corrections is a policy-making statutory board and has legal status only as a board. The operations and management of the GDC institutions, and facilities are the responsibility of the Commissioner.”

GOVERNMENTAL AGENCY OR COMMISSION

Tennessee Corrections Institute

- Established in statute.
- Must establish minimum standards for correctional facilities.
- Conducts inspections.
- Educates correctional staff.



**Tennessee
Corrections
Institute**

INSPECTOR GENERAL

Investigates criminal wrongdoing and serious misconduct in an agency.



Nebraska created OIG in 2015

- Annual reports to legislature.
- Two issues identified in last report are understaffing and overcrowding.

What We Do

California OIG

Employee Discipline Monitoring

- Evaluate the department's investigations conducted by its Office of Internal Affairs and assess the legal advice provided by departmental attorneys throughout the disciplinary process.

Critical Incident Monitoring

- Respond on-site 24 hours per day to critical incidents, such as large-scale riots, uses of deadly force, and unexpected inmate deaths at any of the State's 35 correctional institutions and to similar incidents in the community involving correctional staff.

Staff Complaint and Inmate Grievance Monitoring

- Monitor the department's handling of inmate grievances and complaints concerning alleged staff misconduct.

Blueprint Monitoring

- Review reforms the department identified in studies it conducted over the past decade.

Use-of-Force Monitoring

- Monitor the department's review process for use-of-force incidents.

Medical Inspections

- Evaluate the quality of medical care at adult institutions using a unique combination of quantitative and qualitative data analysis methods.

Audits and Authorized Special Reviews

- Review departmental operations, policies, and procedures by self-initiated audits or by special reviews when requested by the Governor, the Assembly, or the Senate.

Complaint Hotline and Intake

- Maintain a statewide complaint intake process to address concerns from any individual regarding allegations of improper activity within the department.

Retaliation Complaint Reviews

- Review complaints of retaliation that departmental staff level against members of their management.

Ombudsman for Sexual Abuse Complaints

- Serve as the ombudsman for complaints related to the Sexual Abuse in Detention Elimination Act (SADEA), also referred to as the Prison Rape Elimination Act (PREA); review allegations of mishandled sexual abuse investigations within correctional institutions.

Chair of the California Rehabilitation Oversight Board

- Chair the board that provides public oversight of the department's rehabilitative programs.

Warden and Superintendent Vettings

- Conduct background and qualification reviews of warden and superintendent candidates.

OMBUDSPERSON

An ombudsperson is responsible for investigating complaints about misconduct or conditions in corrections departments.

Alaska Office of Ombudsman

Corrections

- [Inmate Health - Access to treatment, medication for chronic disease \(J2008-0161\)](#)
- [Inmate Health - Access to medication \(A2010-0601\)](#)
- [Institutions - Seizure of prisoner property \(A2007-0557\)](#)
- [Institutions - Drug testing policy \(A2007-1411\)](#)
- [Institutions - Management of inmate funds \(A2013-0210\)](#)
- [Institutions - Prisoner Abuse \(A2013-1560\)](#)
- [Institutions - Prisoner discipline process \(A2014-0895; A2014-1059; A2014-1275\)](#)
- [Institutions - Due process in prisoner discipline process \(A2014-1425\)](#)
- [Institutions - Solitary confinement \(A2015-0320\)](#)
- [Institutions - Eligibility for furlough \(A2016-0317\)](#)
- [Parole Board - Clemency/pardon process \(A2016-1399\)](#)

Michigan Legislative Corrections Ombudsman

- Recommendations to DOC and legislature.
- Must exhaust all administrative remedies prior to investigation of complaints.
- Investigates complaints that allege a violation of MDOC policy or state law.

ADVOCACY GROUP WITH FORMAL RIGHT OF ACCESS

Non-governmental but have a mandate, legislative authorization, or routine agency permission to provide some form of oversight of correctional facilities.

John Howard Association (Illinois)

- Independent, non-profit, non-partisan.
- Visit approximately 20 facilities.
- Focus on medical/mental health care, disciplinary procedures, physical condition of facilities and programming.

Pennsylvania Prison Society

- Defined as “official visitor” in statute.
- May visit any day between 9 am and 5 pm and interview incarcerated people in their cells or private interview rooms.

Questions?

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