



## **What is oversight and why do we need it in prisons?**

Oversight refers to independent action taken to review and monitor organizations and their policies, plans, programs, and projects, to ensure that they achieve expected results, represent good value for money, and are compliant with applicable policies, laws, regulations, and ethical standards. Bodies charged with oversight functions are asked to look at a process, program, or project from above, but not get involved in its day-to-day management.<sup>1</sup>

Oversight systems maintain the integrity, accountability, and effectiveness of systems in the public and private sector. In the private sector, where corporations and businesses wield significant economic power and influence, oversight is essential for mitigating risks of waste, fraud, and abuse. Many businesses of varying sizes voluntarily engage in independent audits and other forms of oversight as part of their business models. Similarly, oversight in government ensures that agencies serve the public interest, respect people's rights, and operate within the bounds of the law. Oversight begets transparency. Transparency is necessary for accountability.

Prisons are some of the darkest places in the nation. They are overcrowded, understaffed, and often violent and unsafe for the people who live and work there. Families face enormous challenges while trying to maintain bonds with incarcerated loved ones, and prisons often lack sufficient programming and job training. FAMM believes that every prison system should be subject to oversight by independent agencies or third-party groups that have authority to monitor and inspect facilities, address grievances, and provide recommendations for improving correctional departments.<sup>2</sup> Many states and the federal system have implemented forms of independent prison oversight. Prison oversight is a natural extension of the oversight that exists in many other spheres of American society.

## **What other areas of society currently have governmental oversight?**

### **Independent oversight in disability rights: Protection and Advocacy Organizations**

In response to public outcry about the abuse and neglect of individuals with disabilities in institutional care, the United States Congress mandated the creation of "Protection and Advocacy" (P&A) agencies in every state and territory in 1975.<sup>3</sup> The purpose of P&A agencies is to "protect and advocate" for the legal, civil, and human rights of people with disabilities. P&A agencies, which have many models including governmental, quasi-governmental, and non-profit, enforce state and federal laws concerning the rights and benefits of individuals with disabilities. They have plenary access to public and private settings that offer services to people with disabilities. They have authority to initiate investigations and lawsuits in cases of abuse and neglect.

## **Independent oversight in long-term care: Long-term care ombudspeople**

[The Long-Term Care Ombudsman Program](#) was established in 1972 in response to growing concerns about the quality of care in nursing homes and assisted living facilities and the need for a system to address the complaints and rights of residents.<sup>4</sup> Federal laws now require every state to have an ombudsman program and mandates that ombudspeople have access to facilities, residents, and records. Ombudspeople play a crucial role in ensuring the rights and well-being of residents. In federal fiscal year 2017, the program worked to resolve 201,460 complaints initiated by residents, their families, and other concerned individuals.<sup>5</sup>

## **Independent oversight in government: Inspectors and auditors**

The original federal Office of the Inspector General (OIG) was established by Congress in 1976 in response to concerns about government waste, fraud, and abuse in the Medicare and Medicaid programs. Congress then established several Offices of federal Inspectors General (IGs) as permanent, nonpartisan, and independent offices in more than 70 federal agencies beginning with the Inspector General Act of 1978 and its amendments of 1988. While new to the federal government in 1978, the concept was far from novel at the state level.<sup>6</sup> The position of auditor general in the Commonwealth of Pennsylvania was created in 1809 with the mission of using audits to ensure that taxpayer dollars are used legally and properly.<sup>7</sup> The evolving need for robust oversight and accountability in government is evident today. For example, in August 2024, the Missouri legislature voted in favor of expanding the state auditor’s investigative powers to include unfettered access to any political subdivision with a credible whistleblower complaint.<sup>8</sup> Inspectors and auditors play a critical role at the federal and state levels in ensuring government agencies operate with integrity, efficiency, and in the public interest.

## **Independent oversight for children in family, dependency, and juvenile courts: Guardians and ombudspeople**

The high number of youths in detention and out-of-home placements, along with growing public concern about child welfare systems and juvenile confinement conditions, has raised questions about the mechanisms for protecting and advocating for this vulnerable population. In family court and dependency proceedings in many states, guardians are often appointed to independently evaluate circumstances including living conditions, report to the court or decision-maker, and represent the best interests of the child. Within the dependency and juvenile justice systems, there are also examples of government ombudspeople providing protection for the interests of system-involved youths at an institutional level.<sup>9</sup> Whether a guardian is making a recommendation to a judge, or an ombudsperson is investigating a complaint at a state-run juvenile detention facility, oversight and accountability in child-serving systems is crucial.

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<sup>1</sup> Canadian Audit & Accountability Foundation, <https://www.caaf-fcar.ca/en/oversight-concepts-and-context/what-is-oversight-and-how-does-it-relate-to-governance>.

<sup>2</sup> FAMM, Improving Transparency and Accountability in Prisons Through Independent Oversight, <https://www.famm.org/wp-content/uploads/2024/03/Benefits-of-prison-oversight.pdf>

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<sup>3</sup> See Willowbrook School, <https://www.disabilityrightstn.org/willowbrook-51-years-later-a-look-at-history-and-modern-advocacy/>

<sup>4</sup> See also [Older Americans Act \(OAA\)](#).

<sup>5</sup> Administration for Community Living, [Long-Term Care Ombudsman Program | ACL Administration for Community Living](#)

<sup>6</sup> Congressional Research Service, [Federal Inspectors General: History, Characteristics, and Recent Congressional Action \(fas.org\)](#)

<sup>7</sup> Pennsylvania Department of the Auditor General, [About Us - Pennsylvania Department of the Auditor General \(paauditor.gov\)](#)

<sup>8</sup> Missouri Independent, [New Missouri law expands state auditor's powers to dig into local governments • Missouri Independent](#)

<sup>9</sup> New Jersey Office of the Juvenile Justice Ombudsperson, <https://www.njoag.gov/about/divisions-and-offices/juvenile-justice-commission-home/jjc-offices/>.