



Improving Transparency and Accountability in Prisons Through Independent Oversight

Hundreds of people dying from treatable illnesses.¹ Temperatures as high as 149 degrees.² Rat infestations, leaking roofs, and moldy food.³ Overcrowding so severe that residents must sleep on the floor.⁴ Understaffing that leaves large units unguarded for entire shifts.⁵

Our nation's prisons are in crisis. Staff shortages, poor healthcare, crumbling infrastructure, and other chronic problems have resulted in prisons that are unsafe to live and work in for incarcerated people and correctional staff alike.

We believe that every prison system should be subject to oversight by independent agencies or third-party groups that have the authority to monitor and inspect facilities, address grievances, and provide recommendations for improving correctional departments.

What is independent prison oversight?⁶

- Independent prison oversight improves transparency and accountability in corrections by collecting unbiased information about what is happening inside prisons, analyzing that information, making recommendations, and in some cases sharing its findings publicly. Oversight bodies are able to do this work effectively through unfettered and confidential access to prison facilities, residents, staff, data, and other records.
- There are a range of models of oversight, and different oversight bodies serve different functions. For example, oversight bodies may focus on investigating and resolving individual grievances; preventing, identifying, and addressing systemic problems; or both.
- With rare exceptions, best practices dictate that oversight bodies should not have enforcement authority because they are not intended to be super/supra managers of corrections. Correctional leaders, legislators, and governors retain the power and responsibility for addressing problems in prisons; oversight bodies provide them with information and insight to help them do so.

American voters overwhelmingly support prison oversight

- In the first-ever national poll on prison oversight, 82% of respondents said they believe “that states and the federal government should have a system of independent oversight for their prisons.”⁷

Benefits of prison oversight for people who are incarcerated

- Prison oversight can prevent harm to people who are incarcerated by identifying problems through routine inspections before those problems become worse or more widespread.

- Prison oversight bodies can help address issues that individuals are facing in prison by providing information to the individual, bringing the issue to the attention of the appropriate DOC staff, and continuing to follow up to ensure that the issue is resolved.
- Prison oversight bodies can also help address systemic problems impacting many people in prison by raising awareness of the problem among Department of Corrections leadership, policymakers, and the general public; providing a deeper understanding of the problem through evidence and analysis; and proposing solutions.

Benefits of prison oversight for correctional staff

- Many of the dangerous conditions that impact people who are incarcerated similarly threaten the health, safety, and wellbeing of people who work in prisons.
- Inspections can help protect correctional staff by documenting understaffing, dangerous facilities, inadequate equipment, and other safety hazards.⁸
- An independent oversight body can provide an additional and objective avenue for reporting and resolving staff complaints, including confidential whistleblower complaints.

Benefits of prison oversight for communities

- Corrections expenditures in the United States in 2017 (the most recently available data) were a staggering \$89 billion, a 42% increase from 1997 after adjusting for inflation,⁹ but most of what occurs in prisons is shielded from public view. For a tiny fraction of this amount – typically less than 1% of the amount of a state’s Department of Corrections budget – oversight can a) provide information about what is happening behind prison walls and b) help to ensure that these funds are being used effectively and efficiently. Oversight can facilitate good stewardship of taxpayer dollars in these opaque institutions.
- Research suggests that unsafe prisons increase recidivism.¹⁰ Oversight can help ensure that safety issues are identified and addressed, thereby potentially reducing recidivism and making communities safer.

Benefits of prison oversight for lawmakers

- Lawmakers pass laws that impact prison operations and decide how much money to allocate to their state’s Department of Corrections. To do this effectively, lawmakers need to know what is actually happening in their state’s prisons, but they cannot regularly monitor conditions at every prison across the state. Lawmakers are able to make more informed policy and funding decisions with insight provided by an oversight body that conducts routine inspections, investigates allegations of systemic problems, collects and analyzes data, reports its findings, and makes recommendations. For example, the Bureau of Prisons currently faces a \$2 billion backlog of critical infrastructure repairs.¹¹ Consistent independent oversight could have prevented such an insurmountable situation.

- Lawmakers may receive complaints from people who are incarcerated or their loved ones regarding problems an individual is experiencing in a prison. Lawmakers and their staff have limited capacity and expertise to resolve these complaints and benefit from being able to refer them to an oversight body, such as an ombuds office, that is tasked with reviewing and responding to individual complaints.

What states have prison oversight?

- [This map](#) shows which states have prison oversight bodies. Click on a state to learn more about prison oversight in that state.

Prison oversight examples

- The *Department of Correction Indiana Ombudsman Bureau* (Bureau) receives and investigates complaints, primarily from incarcerated people, and also provides information to incarcerated people and other concerned parties. The Bureau plays a role in increasing accountability and transparency by publishing publicly available reports on its activities.¹²
- *New Jersey's Office of the Corrections Ombudsperson* (OCO) receives and investigates corrections-related complaints. The OCO can request an update from the Department of Corrections on actions taken in response to its recommendations, and is directed by statute to escalate significant issues to the Governor and Legislature. The OCO also provides information to incarcerated individuals, their family, and advocates, as well as support for self-advocacy. The OCO also is responsible for monitoring prisons' compliance with laws, rules, and regulations related to health, safety, welfare, and rehabilitation through regular scheduled or unannounced inspections.¹³

The United States spends billions of dollars on incarceration each year yet too often the legislatures who set the budget and the public who pays the bill have little to no understanding of what goes on within our state and federal prisons. Prisons are some of the darkest places in the nation and we need independent oversight to shine a light on our prison systems.

¹ See, e.g. <https://www.npr.org/2023/09/23/1200626103/federal-prison-deaths-butner-medical-center-sick-inmates>; <https://www.thecity.nyc/2020/07/05/new-york-state-prisons-death-preventable/>; <https://www.statnews.com/2022/12/15/hundreds-incarcerated-people-dying-hepatitis-c-despite-simple-cure/>; <https://www.wcax.com/2023/04/29/look-healthcare-vermonts-prisons/>.

² <https://news4sanantonio.com/news/local/dangerous-temperatures-hit-149-in-one-texas-prison-amid-current-heat-wave-study-says-report-weather-forecast-sickness-illness-degrees-housing-prisoners>.

³ <https://www.nbcnews.com/politics/justice-department/rats-moldy-food-leaky-roofs-problems-womens-federal-prison-florida-rcna124254>.

⁴ <https://sites.uab.edu/humanrights/2022/12/30/the-ongoing-alabama-prison-crisis-from-the-past-to-the-present/>.

⁵ *Id.*

⁶ To learn more about prison oversight, visit <https://prisonoversight.org/>.

⁷ <https://famm.org/wp-content/uploads/FAMM-National-Survey-Key-Findings.pdf> at 13.

⁸ See, for example, the Department of Justice Evaluation and Inspection Divisions' recent inspection of FCI-Waseca <https://oig.justice.gov/sites/default/files/reports/23-068.pdf>.

⁹ <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/jeeus17.pdf>.

¹⁰ See e.g. <https://www.tandfonline.com/doi/abs/10.1080/07418825.2011.597772>; <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0141328>.

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- ¹¹ [https://www.judiciary.senate.gov/imo/media/doc/2023-09-13 - testimony - peters.pdf](https://www.judiciary.senate.gov/imo/media/doc/2023-09-13_-_testimony_-_peters.pdf) at 6
- ¹² <https://prisonoversight.org/oversight-bodies/prison-oversight/indiana/>.
- ¹³ <https://prisonoversight.org/oversight-bodies/prison-oversight/new-jersey/>.

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