



THE NEED FOR INDEPENDENT OVERSIGHT OF PRISONS

The Crisis in our Prisons

America's prisons cost taxpayers billions of dollars annually, employ tens of thousands of people, and are responsible for the lives of 2.1 million incarcerated people, yet lack independent oversight, transparency, and accountability. Many prison systems:

- × **Are overcrowded, understaffed, underfunded, unsafe, and in a state of dangerous disrepair.** These conditions make rehabilitation more difficult and endanger prisoners and correctional officers;
- × **Lack quality medical, dental, and mental health care.** Inadequate care jeopardizes lives and subjects the corrections agency (and taxpayers) to costly lawsuits;
- × **Lack sufficient rehabilitative programming.** Corrections agencies often fail to offer education, jobs, and job training across their institutions, even though doing so could reduce future reoffending;
- × **Are rife with abuse, neglect, corruption, and mismanagement.** Too many prisons are home to sexual and physical assaults, injuries, illness, and even death for staff and incarcerated people alike; and
- × **Lack transparency.** Corrections facilities deny access to the general public and press and regularly fail to provide information and be responsive to families trying to help an incarcerated loved one who is injured, ill, neglected, mistreated, or in need of help.

Independent Oversight Agency is Key to Improving Outcomes

Prisons should be safer and more productive for the people who reside and work in them, and more accountable and transparent to taxpayers. FAMM believes that legislatures can achieve these important goals by establishing a body to oversee prisons in their respective jurisdiction, that is:

- √ **Independent.**
An oversight body must be an entity that is separate from the corrections agency and is not staffed or operated by corrections officials. The director of the oversight body should be removable only for cause.
- √ **Able to access and inspect prisons upon demand.**
An oversight body must have authority to enter any part of any prison facility, at any time, without notice, to conduct inspections, respond to or investigate complaints, and monitor facility conditions and the quality of services provided to prisoners.
- √ **Able to obtain documents and data upon demand.**



An oversight body must have authority to obtain any documents or data from the corrections agency, and the corrections agency should be required to respond to such requests promptly and fully.

√ **Able to speak with prisoners or staff.**

The oversight body's director and staff must be able to have confidential and unmonitored conversations with prisoners or staff in a safe environment. The corrections agency and its staff should be banned from retaliating against staff or prisoners who report to, speak with, or cooperate with the oversight body. Corrections staff who report wrongdoing should receive whistleblower status protections.

√ **Responsive to incarcerated people and their families.**

Oversight bodies must also have authority to investigate any unresolved complaints from incarcerated people or their families, if the corrections agency fails to do so after all administrative remedies have been exhausted and, if possible, help resolve the complaint if it was improperly handled.

√ **Responsive to policymakers and the public.**

Oversight bodies must provide feedback to the legislature and governor upon request and should publish an annual report with advisory recommendations and a summary of any complaints received and resolved. The corrections agency should be required to respond publicly to the report and explain how it will take action on any recommendations.

√ **Fully staffed and fully funded.**

An oversight body should be funded in a separate stream from the corrections agency, have authority over how it spends its own budget, and have enough funding to hire and train staff to fulfill its duties.