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

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This report was originally prepared as a research project conducted by University of Texas graduate students in my interdisciplinary seminar on Prisons and Human Rights during the spring of 2006. The original research for and drafting of the 2006 report was done by: Michelle Burman (School of Social Work), Courtney Chavez (School of Law), Genesis Draper (School of Law), Raenetta Nance (Lyndon B. Johnson School of Public Affairs), Emily Sitton (School of Law), Tammy Vega (Lyndon B. Johnson School of Public Affairs), and William Vetter (Lyndon B. Johnson School of Public Affairs). The original draft report was presented to participants in the "Opening Up a Closed World: What Constitutes Effective Prison Oversight?" conference held at the University of Texas in April 2006. The report has since been significantly restructured and updated. I am grateful to William Vetter, Amanda Barstow, and Rex Baker for their research assistance in updating the report.

My student researchers and I would like to thank all the experts around the country who helped in the development of this document by sharing with us their knowledge, ideas, suggestions, and comments. Special thanks are due to representatives of the Departments of Corrections in each state, various advocacy groups, and state legislative staff members, who were especially instrumental in the information-gathering stages of this endeavor. While space does not allow us to thank you all by name, please know how much your contributions are appreciated. At the same time, I want to remind readers that any errors and inconsistencies remaining in this report are the responsibility of the author alone. Although the research team strived for accuracy and completeness, in a project of this magnitude, there will invariably be inadvertent errors and omissions, not to mention changing circumstances. I would be grateful if readers could bring the need for corrections to my attention so I can maintain as accurate and comprehensive a database as possible going forward. I may be contacted at: michele.deitch@mail.utexas.edu.

I. Introduction

A. *Purpose of Report*

This state-by-state inventory of independent oversight mechanisms for correctional institutions was initiated to provide a baseline understanding about the extent of such oversight in the United States. This project was a monumental undertaking as it involved identification and analysis of prison and jail oversight mechanisms in all 50 states and the federal system. This information has never been compiled previously.

The report was originally created in 2006 for a conference held at the University of Texas at Austin called “*Opening Up a Closed World: What Constitutes Effective Prison Oversight?*” and in conjunction with a seminar class titled *Prisons and Human Rights* at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin. It has since been significantly restructured and updated. The purpose of this report is to provide a quick reference guide for those stakeholders interested in models of prison and jail oversight, and to show major gaps in the systems we have in the United States for monitoring prison and jail conditions and the treatment of prisoners.

It is important to note upfront that our inclusion of an entity in this report does not in any way reflect our judgment upon the quality of that organization’s work in this arena. We were not seeking to be evaluative but comprehensive in our approach. This inventory is meant to be a starting point for discussion rather than an endorsement of any particular approach to correctional oversight. We hope that this report will provide readers with a starting place for information about prison and jail oversight in their own state, and that it will inspire some creative thinking about the various ways in which oversight mechanisms can be structured.

B. *Methodology*

Scope of project. Our primary focus in this report was oversight bodies operating at a statewide level, whether they had responsibility for prisons (operated by the state) or jails

(operated by local government). The scope of the project did not allow for us to systematically identify all entities set up at the local level to provide oversight of that locality's jail and other lock-up facilities. However, we learned of some local jail oversight bodies in the course of our research and provide whatever information we can about these bodies in the report.

Data collection. In order to collect information, we began by canvassing state Departments of Correction, state legislative offices, and various advocacy groups in each state. We expanded our search using information and referrals provided by these sources, and of course extensive online research. Research was structured in this way because there exists no standard entity or organization that has oversight responsibilities, a factor that has obviously limited our ability to be as comprehensive as we would like. Much of the research presented here is based on whether we were able to contact someone in the state with specific knowledge about this issue. Therefore, although we aimed for accuracy, there are no guarantees that the information in the report is complete. A draft of this document was provided to participants in the University of Texas conference, and state sections were shared with colleagues in particular states. We made changes and corrections suggested by these readers, but we retain responsibility for all errors in the report.

Definitions. The concept of prison oversight is a new one for many practitioners and it is far from a term of art that is universally understood by stakeholders in each state. In the course of our research, it became clear that each of the 50 states employed a form of oversight unique to local context. Therefore, we had to set guidelines as to what forms of oversight to include in the report. In order to qualify, an organization had to fit the following criteria:

1. *Independence.* For prisons, the oversight entity had to be separate from the Department of Corrections ("DOC")¹ for which it has oversight responsibilities. For the purposes of this report, "independence" means that

1. Although this report refers to "Departments of Correction," that term is meant to include any state corrections agency regardless of its formal name.

the entity neither reports solely to the DOC (or its board), nor receives its funding from the DOC. It also means that the entity cannot be staffed primarily with DOC employees. Almost all DOCs have an internal investigation arm—such as an ombudsperson, an internal affairs office, or an inspector general—but we included only those that are located outside the structure of the DOC. Similarly, most prison agencies have internal auditing divisions that provide management with regular reports on the quality of operations, such as an operational review unit or a contracts monitoring division. While such internal accountability measures are extremely important, they do not constitute *external* oversight and so they are not included in this report. To the extent that the DOC has oversight responsibilities for local jails, however, we considered the DOC to be an independent oversight body as long as the Department does not operate those jails (i.e., it could not be a unified correctional system).

2. *Oversight.* The function that the organization performs must be primarily related to either investigation of wrongdoing or monitoring of conditions in prisons or jails. Many states have governmental bodies that provide some function relating to prisons and correctional policy. We chose to include those that provide oversight of prisons with regard to the conditions faced by the prisoners, the state of the facilities, the quality of services provided to inmates, or the physical operations of the institutions. We did not include those with a primary focus on population management or prison construction. Similarly, all of the states had a legislative committee charged to some degree with the oversight of corrections (and often having the word “oversight” in their name), but we included only those that are routinely involved in a “hands-on” fashion (not an occasional informational visit to a facility), and that are not restricted to research and legislation. Moreover, most states have an auditing body that reviews all government agencies within the state on a regular basis, but if the function of that audit is primarily financial or man-

agement performance, or if reviews of the prison agency are relatively infrequent (every several years), we did not include the agency. In some rare instances, we found general government auditing bodies that had unusual levels of emphasis on prison conditions, and we did include these entities. Finally, we excluded court-appointed monitors, given that they are not intended to be permanently established oversight entities.

3. *Access.* To be included in this report, an entity had to have formal access to correctional facilities. We defined “access” both in terms of the type of access that organizations had to prisons, as well as the frequency and regularity with which they used that access. We chose to include organizations that had free access to prisons at any time—a “golden key”—as well as scheduled or somewhat restricted access to the entire facility. We excluded any organization that did not have a formal right of access to facilities (e.g., by statute) or an informal but well-established practice of conducting such visits with the agreement of the DOC. We chose not to include organizations that only have the right to visit prisoners “one-on-one,” much like an attorney-client visit. Thus, we did not include the many dedicated prisoners’ rights organizations and human rights groups around the country that serve a watchdog function and monitor prison conditions through their contacts with prisoners.

If a particular organization did not fit these specific criteria, but otherwise warranted our attention, we mention it briefly in the state-by-state write-ups, but we do not highlight it on the charts or with a specific detailed entry in the state sections.

It was a challenge both to operationalize the notion of prison oversight in this way, and to identify entities serving (or appearing to serve) an oversight function. In the “real world,” programs do not come with labels on them, and even when they do have labels, names of entities and their functions do not always match. This project involved a great deal of fitting “square peg” entities into “round hole” categories. We hope our characterizations of various entities correctly capture their functions and structure.

C. Structure of Report

Section 1: Correctional Oversight National Charts.

The first section of the report displays the nationwide results of our research in table format. Table 1 (“Models of Formal, External Prison Oversight”) is a 50-state table presenting the types of independent prison oversight used in each state, according to the above qualifications. Table 2 (“Models of Formal, External Jail Oversight”) provides a 50-state summary of jail oversight bodies that operate at a statewide level. (To the extent we identified local jail oversight bodies, those entities are also listed in this table.)

Section 2: State Summaries. The second section of this report provides an overview and detailed description of the correctional oversight mechanisms we identified in each state.

Each state page begins with a chart depicting the oversight entities in that state and their functions, organized as follows:

1. *Facility.* This column indicates the type of facilities (or facility) monitored by the oversight entity: “prisons statewide,” “jails statewide,” or “single jail.” “Single jail” can also refer to a number of jail facilities in a single county.
2. *Oversight Function.* This column indicates whether an oversight entity strictly investigates prisoner complaints against a facility or staff member (“investigatory”), or whether it monitors a facility regularly to identify possible problems (“preventative”). In some cases, an entity is responsible for both an investigation and a monitoring function, and so both columns are checked. However, we did not check the “investigatory” column if that function is incidental to or supportive of the entity’s primary monitoring role.
3. *Monitoring.* This column indicates the context in which an oversight entity monitors a facility. “Routine” monitoring indicates scheduled or required monitoring, while “if needed” indicates an external motivator, such as a complaint, precipitating the monitoring of a facility.
4. *Issues covered.* This column indicates whether the oversight entity (a) monitors prisons as it does all other government entities, such as through an auditing or

performance management process (“general government”); (b) monitors all aspects of conditions related to prisons or jails (“general corrections”); (c) performs a limited oversight function, such as responding to prisoner grievances (“limited”) or reviewing staff investigations of wrongdoing or disciplinary actions taken; or (d) performs oversight with regard to one issue in the facility, such as health care delivery or the provision of mental health services (“single issue”). If an entity performs “general corrections” oversight, we assume that it also provides “limited” and “single issue” oversight and we did not check those columns.

5. *Access.* This column indicates whether an organization has “golden key” access (right of free access at anytime, unannounced), or restricted access (access that is limited in some way, but that still falls within our definition of “access” in this report). It is worth noting that not every organization that has the right to “golden key” access takes advantage of this free access; many of them rely upon scheduled inspections.
6. *Inspectors.* This column indicates whether those conducting inspections are laypeople (citizens/volunteers) or professionals (full-time employees) in the field for which they are inspecting. In some cases, the line between these categories is blurry, such as when law enforcement officials are tapped to conduct these inspections. When in doubt, we categorized inspectors as professionals, and reserved the “lay” category for instances where the entity specifically notes that citizens are tapped to conduct inspections or provide input into correctional decisions. In some instances, the inspection team includes both professional experts and citizens, and thus both categories are marked.

It is important to interpret these individual state charts in light of the overview and organizational descriptions that follow the charts. It is often the case that an entity that has the oversight authority depicted in the chart does not in fact exercise its authority as fully as the chart might suggest. It is also worth emphasizing that completing these charts is far from a science, and we often had to make assumptions and judgment

calls in deciding how to characterize a particular feature of an oversight organization. The checkmarks in the columns are best thought of as guidelines for interpreting how the oversight body works.

Following the individual state chart, we provide a brief overview of the extent of oversight in the state. Occasionally, we may reference an entity that does not fit our overall criteria for inclusion in the charts as a form of oversight, but that we find worthy of mention nevertheless. We also try to mention forms of correctional oversight that previously existed but that are no longer operational.

Next, we provide contact information and detailed descriptions for each of the organizations included in the charts.

Under federal law, every state in the country has a designated Protection and Advocacy agency for mentally ill, developmentally disabled, and physically disabled persons in that state.² These agencies are authorized under the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program and the Protection and Advocacy for Persons with Developmental Disabilities (PADD) program, both created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975, and reauthorized under the DD Act of 2000.³ Agencies designated under this program are charged with advocating for the rights of mentally ill and disabled individuals and are provided with access to any institution in which they are housed, including correctional facilities. Because of this extraordinary level of authorized access to correctional facilities, our state summaries identify the protection and advocacy organization in the state, regardless of whether that organization in fact makes advocacy for prisoners a priority. However, we only include these entities in the individual state chart if the organization clearly makes inspections of prisons a priority task or if it has some particular oversight responsibility pursuant to a court order, for example. In fact, the vast majority of protection and advocacy organizations do not take advantage of their access to

2. Developmental Disabilities Assistance and Bill of Rights (DD) Act of 2000, Pub. L. No. 106-402, 114 Stat. 1678 (codified as amended at 42 U.S.C. §§ 15001-15083 (2006)).

3. *Id.*

prisons and jails unless they happen to have an individual client who is housed there.

D. Conclusion

Although this report is thick with examples of entities that perform (or have the authority to perform) some kind of oversight function, it should be clear upon closer examination that formal and comprehensive external oversight—in the form of inspections and routine monitoring of conditions that affect the rights of prisoners—is truly rare in this country. Even more elusive are forms of oversight that seek to promote both public transparency of correctional institutions and accountability for the protection of human rights.

Correctional institutions demand both transparency and accountability. They exercise enormous power over the lives and well-being of individuals, yet they operate entirely outside the public eye. Oversight mechanisms are essential if we are to have confidence in the operations of these facilities and if we are to know what is being done in our names. If they operate effectively, these oversight bodies serve to challenge the status quo, to identify areas for improvement, and to provide a vehicle for prisoners to ensure that their concerns are brought to light.

By creating this work, we hope to spark debate and discussion regarding the extent of prison oversight in the United States and the sufficiency of the existing resources employed in each state. We also hope to inspire creative thinking about ways that existing oversight mechanisms can be strengthened and used as models for other jurisdictions.⁴

4. **Editor's Note:** This 50-State Inventory is designed to be accessible to those both inside and outside of the legal academic community. As such, sources have been formatted according to the author's preference.

**SECTION 1:
CORRECTIONAL
OVERSIGHT
NATIONAL CHARTS**

Table 1 below presents the independent prison oversight entities that exist in each state. As discussed above, we list only those entities that are external to the prison agency, that have formal access to the prison facilities, and that have an oversight function primarily related to either investigation of wrongdoing or monitoring of conditions in prisons. Each oversight body was characterized as a particular type of oversight, and in deciding how to categorize a particular entity, we looked more to the function served and the tasks performed by the entity than to its name. The organizational categories we use in this report are defined as follows:

1. *Governmental Agency or Commission.* A governmental agency or commission is a standing entity external to the DOC with statutory responsibility for oversight of state prisons. This entity has authority to report on prison conditions and, in some cases, may be able to sanction offending institutions.
2. *Ombudsperson.* An ombudsperson investigates complaints about misconduct or problematic conditions in the state's corrections system (and in some cases, in other government agencies as well). The ombudsperson may be attached to a state's DOC, but if so, that office must report to the legislature or another body external to the DOC to be included in our report.
3. *Inspector General.* An inspector general investigates criminal wrongdoing and other serious forms of misconduct in an agency, and may also be tapped to identify systemic areas of concern in agency operations. We included Inspectors General only if they were entirely independent of the DOC or the governing board. They may have responsibility for departments other than corrections, but they must provide oversight as defined above.
4. *Legislative Committee with Inspection Responsibilities.* While recognizing that every state legislature will have committees that deal with prison-related issues, we limited inclusion in this category to those legislative correctional committees that play an active oversight role that goes well beyond the passage of legislation affecting correctional agencies and the review of population management issues. We sought to include only those legislative committees that focus on conditions in correctional facilities and the treatment of prisoners. Such oversight commit-

tees will typically have regular access to correctional facilities and may also have specific responsibilities with regard to inspections.

5. *Advocacy Group with Formal Right of Access.* An advocacy group with oversight authority was defined as a non-governmental organization that has a mandate, legislative authorization, or routine agency permission to inspect, monitor, or otherwise provide a kind of formal oversight over prisons or jails. These entities have a formal right of access to correctional facilities. Access to the facilities may be restricted in some way, but the access provided goes beyond the simple ability to visit inmates in visiting areas of the facility.
6. *Citizens' Board or Advisory Committee.* A citizens' board or advisory committee is an entity appointed by, for example, the governor, with responsibility for investigating or providing feedback about specific or general aspects of the operations of a state correctional system or for a particular facility. It provides a form of outside lay scrutiny of the prison or jail conditions or operations, and the committee reports on its findings and conclusions to the appointing body. Typically, the recommendations of this body are advisory in nature.
7. *General Government Auditing Body.* A general government auditing body refers to an agency in state government designed to conduct performance audits or reviews of a wide variety of state agencies, not just the corrections department. These auditing bodies typically audit each state agency on a regular schedule (usually every several years), and the scope of that review will vary tremendously from state to state, or even from audit to audit. These reviews provide objective input on various managerial, operational, or fiscal issues, but rarely emphasize the treatment of prisoners. More often, the focus is on efficiency or cost-effectiveness of current practices. These auditing bodies usually have free access to correctional facilities, but in most cases they do not take advantage of such access. We included only those auditing bodies that appear to place an unusual emphasis upon prison conditions or those that conduct more routine inspections of prison facilities.

8. *Protection and Advocacy Organization with Focus on Prison Issues.* Protection and advocacy organizations refer to those entities designated as a state's protection and advocacy agency under federal law. These organizations have a statutory right of access into any institution—including a prison or jail—that holds persons with mental illness and disabilities whose rights are possibly being violated. Each protection and advocacy organization sets its annual priorities and, for most of these organizations, prison-related issues are not a primary focus and they do not take advantage of their right of access. The protection and advocacy organizations listed in this table are those that indicate that issues related to mentally ill or disabled prisoners are a high-priority issue and that monitor conditions for their clients in these facilities.

TABLE 1: MODELS OF FORMAL, EXTERNAL PRISON OVERSIGHT								
STATE	Governmental Agency or Commission	Ombudsperson	Inspector General	Legislative Committee with Inspection Responsibilities	Advocacy Group with Right of Access	Citizens Board or Advisory Committee	General Government Auditing Body	Protection and Advocacy Organization with Focus on Prison Issues
Alabama								
Alaska		Office of the Ombudsman						Disability Law Center of Alaska
Arizona								
Arkansas								
California		Office of Sexual Abuse in Detention Elimination Ombudsperson	Office of the Inspector General				Little Hoover Commission	
Colorado								Legal Center for People with Disabilities and Older People
Connecticut								
Delaware	Delaware Criminal Justice Council					Delaware Council on Correction		

TABLE 1: MODELS OF FORMAL, EXTERNAL PRISON OVERSIGHT

STATE	Governmental Agency or Commission	Ombudsperson	Inspector General	Legislative Committee with Inspection Responsibilities	Advocacy Group with Right of Access	Citizens Board or Advisory Committee	General Government Auditing Body	Protection and Advocacy Organization with Focus on Prison Issues
Florida							Florida Department of Health, Correctional Medical Authority	
Georgia								
Hawaii		Office of the Ombudsman						
Idaho								
Illinois					John Howard Association for Prison Reform			
Indiana		Indiana Ombudsman Bureau					Indiana State Department of Health Health Care Regulatory Services Commission, Acute Care Division	
Iowa		Office of Citizen's Aide/Ombudsman						
Kansas								

TABLE 1: MODELS OF FORMAL, EXTERNAL PRISON OVERSIGHT								
STATE	Governmental Agency or Commission	Ombudsperson	Inspector General	Legislative Committee with Inspection Responsibilities	Advocacy Group with Right of Access	Citizens Board or Advisory Committee	General Government Auditing Body	Protection and Advocacy Organization with Focus on Prison Issues
Kentucky								
Louisiana								
Maine						Maine State Prison Board of Visitors	Office of Program Evaluation and Government Accountability	
Maryland	Commission on Correctional Standards							
Massachusetts					Massachusetts Correctional Legal Services		Disabled Persons Protection Commission	
Michigan							Michigan Office of the Auditor General	Michigan Protection & Advocacy Service, Inc.
Minnesota								
Mississippi							Joint Committee on Performance Evaluation and Expenditure Review	

TABLE 1: MODELS OF FORMAL, EXTERNAL PRISON OVERSIGHT

	Governmental Agency or Commission	Ombudsperson	Inspector General	Legislative Committee with Inspection Responsibilities	Advocacy Group with Right of Access	Citizens Board or Advisory Committee	General Government Auditing Body	Protection and Advocacy Organization with Focus on Prison Issues
STATE								
Missouri				Joint Legislative Committee on Corrections		Citizens Advisory Committee		
Montana						Corrections Advisory Council		
Nebraska		Ombudsman-Office of the Public Council/ Ombudsman for Corrections						
Nevada								
New Hampshire						Citizens Advisory Committees		
New Jersey		Department of the Public Advocate Office of Corrections Ombudsman						
New Mexico								

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STATE	Governmental Agency or Commission	Ombudsperson	Inspector General	Legislative Committee with Inspection Responsibilities	Advocacy Group with Right of Access	Citizens Board or Advisory Committee	General Government Auditing Body	Protection and Advocacy Organization with Focus on Prison Issues
New York	New York State Commission of Correction				The Correctional Association of New York-Prison Visiting Project			
North Carolina								
North Dakota							Office of the State Auditor	
Ohio				Corrections Institutions Inspection Committee				
Oklahoma								
Oregon								
Pennsylvania					Pennsylvania Prison Society			
Rhode Island								
South Carolina								
South Dakota								

TABLE 1: MODELS OF FORMAL, EXTERNAL PRISON OVERSIGHT

STATE	Governmental Agency or Commission	Ombudsperson	Inspector General	Legislative Committee with Inspection Responsibilities	Advocacy Group with Right of Access	Citizens Board or Advisory Committee	General Government Auditing Body	Protection and Advocacy Organization with Focus on Prison Issues
Tennessee								
Texas		PREA Ombudsman for TDCJ						
United States			US Department of Justice, Office of the Inspector General					
Utah								
Vermont								
Virginia								
Washington								
West Virginia								
Wisconsin								Disability Rights Wisconsin
Wyoming								

Table 2 below presents the entities that provide state-level oversight of local jails. These entities have statewide authority to monitor and inspect jails at the local level, and many of them have a mandatory inspection schedule. Many of them also are charged with developing standards applicable to jails in the state. These entities may or may not have regulatory powers and the ability to sanction jails that do not meet these standards. Typically, these oversight bodies are either stand-alone governmental agencies or commissions, or a division within the state's department of corrections (so long as the state department of corrections is not responsible for operating these local jails). In a handful of states, there are non-profit advocacy organizations that have monitoring authority as well.

The table categorizes these statewide jail oversight entities as either a "statewide body with mandatory inspection duties" (typically a regulatory entity); a "statewide body with discretionary monitoring authority" (typically a non-profit advocacy group with a formal right of access or an Ombudsman or Inspector General that responds to complaints); or a "voluntary inspection body" (which can only conduct inspections at the request of the agency being inspected).

As is obvious from the chart, the vast majority of jail oversight bodies that conduct mandatory inspections are organized as divisions of the state Department of Corrections.⁵ A handful of other entities that conduct routine jail inspections are independent commissions. Some states have Sheriffs' Associations that offer counties the opportunity for voluntary inspections, and there are rare examples of advocacy organizations that have the right to access jails to assess conditions or to investigate complaints.

The scope of the project did not allow for us to identify all entities set up at the local level to provide oversight of that locality's jail and other lock-up facilities. However, we learned of some local oversight bodies in the course of our research, and where such information was available, we included that information in Table 2. Oversight at the local level could include inspection and monitoring responsibilities or regulatory functions.

5. A monograph published by the National Institute of Corrections provides a helpful summary of the advantages and disadvantages of each of the primary organizational models for a jail inspections program. See MARK D. MARTIN, NAT'L INST. OF CORR., JAIL STANDARDS AND INSPECTIONS PROGRAMS: RESOURCE AND IMPLEMENTATION GUIDE 20 (2007), *available at* <http://nicic.org/DOWNLOADS/PDF/Library/022180.pdf>.

TABLE 2: MODELS OF FORMAL, EXTERNAL JAIL OVERSIGHT				
STATE	Statewide Body with Mandatory Inspection Duties	Statewide Body with Discretionary Monitoring Authority	Voluntary Inspection Body (statewide)	Local Jail Inspection Body
Alabama	Board of Corrections			
Alaska		Disability Law Center of Alaska	Office of the Ombudsman	
Arizona				
Arkansas	Arkansas Department of Finance & Administration Criminal Detention Facility Review Committees			
California	Corrections Standards Authority			Los Angeles County Jail Monitor
				Office of Independent Review (Los Angeles County)
				Sybil Brand Commission for Institutional Inspection (Los Angeles County)
				Office of Independent Review (Orange County)
Colorado		Legal Center for People with Disabilities and Older People		
Connecticut				
Delaware		Delaware Council on Correction		
		Delaware Criminal Justice Council		

TABLE 2: MODELS OF FORMAL, EXTERNAL JAIL OVERSIGHT				
STATE	Statewide Body with Mandatory Inspection Duties	Statewide Body with Discretionary Monitoring Authority	Voluntary Inspection Body (statewide)	Local Jail Inspection Body
Florida			Florida Corrections Accreditation Commission	Florida Model Jail Standards Committee
Georgia				
Hawaii		Office of the Ombudsman		
Idaho	Idaho Sheriffs' Association			
Illinois	Illinois Department of Corrections – Detention Standards Division	John Howard Association		
Indiana	Indiana Department of Correction Program Review			
Iowa	Iowa Department of Corrections, Policy and Legal Office			
Kansas				
Kentucky	Kentucky Department of Corrections Division of Local Facilities Jail Services Branch			
Louisiana				
Maine	Maine Department of Corrections			
Maryland	Commission on Correctional Standards			
Massachusetts	Massachusetts Department of Corrections— Policy Development and Compliance Unit			

TABLE 2: MODELS OF FORMAL, EXTERNAL JAIL OVERSIGHT				
STATE	Statewide Body with Mandatory Inspection Duties	Statewide Body with Discretionary Monitoring Authority	Voluntary Inspection Body (statewide)	Local Jail Inspection Body
Michigan	Michigan Department of Corrections, County Jail Services Section			
Minnesota	Minnesota Department of Corrections, Facilities and Enforcement Office			
Mississippi				
Missouri				
Montana				
Nebraska	Nebraska Crime Commission, Jail Standards Division			
Nevada				
New Hampshire				
New Jersey	New Jersey Department of Corrections, Office of County Services			
New Mexico				
New York	New York State Commission of Correction			New York City Board of Correction
North Carolina	North Carolina Department of Health and Human Services, Division of Health Service Regulation, Jail and Detention Section			
North Dakota	Department of Corrections and Rehabilitation, Training and County Facilities			

TABLE 2: MODELS OF FORMAL, EXTERNAL JAIL OVERSIGHT				
STATE	Statewide Body with Mandatory Inspection Duties	Statewide Body with Discretionary Monitoring Authority	Voluntary Inspection Body (statewide)	Local Jail Inspection Body
Ohio	Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention			
Oklahoma	Oklahoma State Department of Health, Jail Inspection Division			
Oregon	Oregon Department of Corrections—Community Corrections			Multnomah County Corrections Grand Jury
Pennsylvania	Pennsylvania Department of Corrections, Office of County Inspection & Services	Pennsylvania Prison Society		County Prison Boards
Rhode Island				
South Carolina	Department of Corrections, Division of Inspections and Operational Review			
South Dakota				
Tennessee	Tennessee Corrections Institute			
Texas	Texas Commission on Jail Standards			
United States	Department of Justice, Office of the Federal Detention Trustee, Detention Standards and Compliance Division	Department of Homeland Security, Office of the Inspector General		
Utah			Utah Sheriffs' Association	

TABLE 2: MODELS OF FORMAL, EXTERNAL JAIL OVERSIGHT				
STATE	Statewide Body with Mandatory Inspection Duties	Statewide Body with Discretionary Monitoring Authority	Voluntary Inspection Body (statewide)	Local Jail Inspection Body
Vermont				
Virginia	Virginia Department of Corrections, Compliance and Accreditation Unit			
Washington				
West Virginia				
Wisconsin	Wisconsin Department of Corrections, Office of Detention Facilities	Disability Rights Wisconsin		
Wyoming				

SECTION 2: STATE SUMMARIES

ALABAMA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Alabama Board of Corrections	X	X	X	X	X										

We have not identified any formal external prison oversight mechanisms in Alabama.

However, the legislature has recently been more focused on issues affecting prisoners. In 2006, lawmakers created the Commission on Girls and Women in the Criminal Justice System, which examined issues and made recommendations regarding gender-responsiveness in the state's criminal justice system.⁶ The Commission visited some facilities and in 2008 recommended the closure of a women's

prison.⁷ The Commission's authority expired in 2008, though its work continued into 2009. The legislature also has a Joint Legislative Committee on Prison Oversight, but it is unclear to what degree this Committee is focused on issues affecting the treatment of prisoners or prison conditions.

6. H.R.J. 15. (2006), *available at* <http://www.legislature.state.al.us/Searchableinstruments/2006RS/Resolutions/HJR15.htm>.

7. COMM'N ON GIRLS & WOMEN IN THE CRIM. JUSTICE SYS., ONE SIZE DOES NOT FIT ALL: RESEARCH AND RECOMMENDATIONS FOR GENDER-RESPONSIVENESS IN ALABAMA'S CRIMINAL JUSTICE SYSTEM 36 (2008), *available at* <http://parca.samford.edu/commission/report2008.pdf>.

By statute, the Alabama Board of Corrections has oversight authority for the state's local jails.⁸

Alabama's designated protection and advocacy organization for mentally ill and disabled persons is the Alabama Disabilities Advocacy Program.

Alabama Board of Corrections

*301 S. Ripley Street
P.O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883
<http://www.doc.state.al.us/>*

By statute, the Alabama Board of Corrections (the authority over the DOC) should inspect local jails at least twice per year.⁹ The results of inspections are reported to the governor, as well as to the entity that controls the jail, such as the county commissioner or city council.¹⁰ The report includes recommendations for the facility, although the Board of Corrections has no sanctioning authority.¹¹

Alabama Disabilities Advocacy Program

*Box 870395
Tuscaloosa, AL 35487-0395
(205) 348-4928
<http://www.adap.net/>*

The Alabama Disabilities Advocacy Program is an advocacy organization associated with the University of Alabama. It advocates for and protects the right of people with disabilities and mental illness, including those in prisons and jails in Alabama. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.¹²

8. ALA. CODE. § 14-1-8 (Lexis-Nexis 2010).

9. § 14-6-81.

10. *Id.*

11. *Id.*

12. See generally Alabama Disabilities Advocacy Program, <http://www.adap.net/> (last visited Jan. 26, 2010).

ALASKA

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Disability Law Center of Alaska	X	X		X			X				X	X		X	
Office of the Ombudsman	X	X		X				X	X		X			X	

The Office of the Ombudsman is the primary source of oversight for prisons and jails in Alaska. That office accepts and investigates complaints against state government, including complaints from inmates in the Alaska prison system. The inmates have unlimited access to the office of the Ombudsman, and the Ombudsman has unlimited access to the prison facilities. Alaska has a unified correctional system in which the state runs both prison and jail facilities.

The Administrative Regulation Review Committee of the Legislature reviews all regulations of the Department of Corrections.¹³ However, the Committee is not directly involved with inmate advocacy or issues related to prison conditions.

Alaska's designated protection and advocacy organization for

13. Telephone interview by Courtney Chavez with Dee Hubbard, citizen-advocate (Mar. 20, 2006).

mentally ill and disabled persons is the Disability Law Center of Alaska, which appears to place a priority on prison-related issues.

Disability Law Center of Alaska

*3330 Arctic Boulevard, Suite 103
Anchorage, AK 99503
(907) 565-1002
<http://www.dlcak.org/>*

The Disability Law Center (“DLC”) of Alaska is a non-profit law firm. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Alaska. As part of the nation’s protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

The DLC lists among its highest priorities for the year the need to establish and maintain contact with prisoners and jail inmates through facility visits.¹⁴ Because this organization appears to have an unusual level of focus on prison-related matters, we are including it in the chart above.

14. Disability Law Center of Alaska, *FY 2010 Priorities, Goals, Objectives* 1 (2009), <http://www.dlcak.org/files/pdf/FY10%20DLC%20Priorities.pdf>.

Office of the Ombudsman

*Box 101140
Anchorage, AK 99510
(907) 269-5290
<http://ombud.alaska.gov/>*

The Office of the Ombudsman is a state agency with the statutory authority to investigate complaints against state government agencies and employees. This includes the ability to investigate any complaints filed by inmates of the Alaska prison or jail system. All prisoners are allowed to correspond either in writing or by telephone at their request. All communications between the prisoner and the Ombudsman are considered privileged and cannot be monitored by the Department of Corrections, except pursuant to a court order. The Ombudsman has unlimited access to the facilities and all documentation from the facilities, including confidential information.¹⁵ This office handles only individual cases, which may involve multiple inmates.¹⁶ All of its investigations are published online.

15. State of Alaska Department of Corrections Policies and Procedures 1-2 (2002), <http://www.correct.state.ak.us/corrections/pnp/pdf/101.07.pdf>.

16. Telephone Interview by William Vetter with Dee Hubbard, citizen-advocate (July 18, 2006).

ARIZONA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have identified no formal external prison oversight mechanism in Arizona. However, the prison agency does receive performance audits every 10 years from the state's Office of the Auditor General as part of its sunset review process for all state agencies. These audits tend to focus on management issues rather than prison conditions issues. The next performance audit of the Arizona DOC is scheduled for 2011.¹⁷

17. Telephone Interview by Amanda Barstow with Shan Hays, Former Performance Audit Manager

In 2003, the Arizona Department of Corrections (DOC) introduced the Inmate Family and Friends Liaison—recently renamed the Constituent Services Office (“CSO”)—to address prisoner-related concerns and complaints submitted by friends and families of prisoners.¹⁸ The CSO

for Corrections, Performance Audit Division, Office of the Auditor General (Nov. 18, 2009).

18. Arizona Department of Corrections, Constituent Services, Family and Friends Office, http://www.azcorrections.gov/Pris-ca_Inmate_Response_Level.aspx

also compiles data on the number and nature of concerns forwarded to the CSO office, and submits quarterly reports to the Director of the DOC with this information.¹⁹ The CSO is not a substitute for formal grievance procedures, but it does substitute for the work of the state's Ombudsman Citizens' Aide office, which resolves complaints by citizens against state government. The Ombudsman is prohibited by statute from investigating inmate complaints, and complainants are referred to the CSO for assistance.²⁰ As the CSO is an internal body for the DOC (unlike the Ombudsman), we do not list it in the chart above.

Arizona's designated protection and advocacy organization for mentally ill and disabled persons is the Arizona Center for Disability Law.

Arizona Center for Disability Law

*5025 E. Washington St., Suite 202
Phoenix, AZ 85034
(602) 274-6287
(800) 927-2260
www.acdl.com*

The Arizona Center for Disability Law is a non-profit advocacy organization. It advocates for, and protects the rights of, people with disabilities and mental illness, including those in prisons and jails in Arizona. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.²¹

(last visited Feb. 2, 2010).

19. E-mail from Betty Cassiano, Constituent Services Office Manager, to Amanda Barstow, (Nov. 19, 2009).

20. Arizona Ombudsman Citizens' Aide, Frequently Asked Questions, <http://www.azleg.state.az.us/ombudsman/faq.htm> (last visited Nov. 24, 2009).

21. See generally Arizona Center for Disability Law, <http://www.acdl.com/default.htm> (last visited Feb. 2, 2010).

ARKANSAS

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Arkansas Department of Finance & Administration, Criminal Detention Facility Review Committees		X			X	X			X				X		X

We have not identified any formal external prison oversight mechanisms in Arkansas. However, Arkansas does have a statewide agency tasked with formal oversight of its local jails.

Arkansas's designated protection and advocacy organization for mentally ill and disabled persons is the Disability Rights Center.

Arkansas Department of Finance & Administration: Criminal Detention Facilities Review Committees

*PO Box 3278
Little Rock, AR72203
(501) 324-9493*

<http://www.dfa.arkansas.gov/offices/criminalDetention/Pages/default.aspx>

The Criminal Detention Facilities Review Committees are organized under the Arkansas Department of Finance and Ad-

ministration. The Committees are responsible for annually inspecting jails that house city and county prisoners to ensure that all jail facilities comply with the minimum standards²² mandated by the State of Arkansas Legislature.²³ The committees inspect jails in 26 districts. In each district, a volunteer inspection team comprising six citizens appointed by the governor is trained by the committee coordinator. They perform both announced and unannounced inspections. The committee reports to the governor, and can take a non-compliant facility to court.²⁴

including those in prisons and jails in Arkansas. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Disability Rights Center

*1100 North University, Suite 201
Little Rock, AR 72207
(501) 296-1775
<http://www.arkdisabilityrights.org/pair.html>*

The Disability Rights Center is a non-profit advocacy organization. It advocates for and protects the right of people with disabilities and mental illness,

22. Criminal Detention Facilities Review Committee, <http://www.dfa.arkansas.gov/offices/criminalDetention/Pages/default.aspx> (last visited Feb. 2, 2010).

23. Ark. Code Ann. § 12-26-103 (2010).

24. Interview by William Vetter with David Underwood (July 18, 2006).

CALIFORNIA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Corrections Standards Authority		X			X	X			X			X		X	
Little Hoover Commission	X			X	X		X	X					X	X	X
Los Angeles County Jail Monitor			X	X	X	X			X					X	
Office of the Inspector General	X			X	X	X			X			X		X	
Office of Independent Review (LA County)			X	X	X		X			X		X		X	
Office of Independent Review (Orange County)			X	X			X			X		X		X	
Office of Sexual Abuse in Detention Elimination Ombuds person	X			X			X				X	X		X	
Sybil Brand Commission for Institutional Inspection (LA County)			X		X	X			X			X			X

California has a number of entities providing formal external prison oversight. The Office of the Inspector General (OIG), an independent state agency, provides extensive investigation and review of all California state prisons. The Office of Sexual Abuse in Detention Elimination Ombudsperson, which is based within the OIG, provides additional oversight, specifically on the sexual assault issue. Court oversight is also very active in California, with a Receiver appointed for the prison health care system and a special master previously appointed for the issue of use of force at the Pelican Bay facility. Additionally, the Little Hoover Commission provides a measure of oversight for the country's largest correctional system, with its focus on improved government performance.

There is no statewide jail oversight authority, but the Los Angeles County Jail is routinely inspected by an independent monitor and the Office of Independent Review, both of which are under contract with the Los Angeles County Board of Supervisors. It is also monitored by the Sybil Brand Commission for Institutional Inspection. Some other counties in California have begun to adopt parts of Los Angeles' model of local jail oversight, including Orange County, which now has its own Office of Independent Review.

California's designated protection and advocacy organization for mentally ill and disabled persons is California Protection & Advocacy, Inc.

California Protection & Advocacy, Inc.

*100 Howe Avenue, Suite 185-N
Sacramento, CA 95825
(916) 488-9955
<http://www.pai-ca.org/>*

California Protection & Advocacy, Inc. is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in California. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Corrections Standards Authority

*600 Bercut Drive
Sacramento, CA 95811
(916) 445-5073
http://www.cdcr.ca.gov/Divisions_Boards/CSA/*

The Corrections Standards Authority (CSA) is based within the California Department of Corrections and Rehabilitation, and it is responsible for developing and maintaining minimum standards for the construction

and operation of local adult and juvenile detention facilities throughout the state. The CSA inspects these facilities every two years to determine compliance with standards, and works with jail agencies to help them remain in compliance. These are considered to be “problem-solving inspections.”²⁵ The CSA reports to the Legislature on the results of its inspections. The agency does not have the authority to close non-compliant institutions.

Little Hoover Commission

*925 L Street, Suite 805
Sacramento, CA 95814
(916) 445-2125
<http://www.lhc.ca.gov/>*

The Little Hoover Commission is an independent oversight agency. Its mission is to investigate state government operations through reports, recommendations, and legislative proposals, with a goal to promote efficiency and improved services. The board is composed of nine individuals who are appointed by the Governor and the Legislature, but also includes two state Senators and two Assembly Members.

Typically, the Commission chooses topics to review that are brought to its attention by citizens or legislators. Investigations usually involve public hearings, advisory committee meetings, and fieldwork, which includes site visits to institutions in the California prison system. The Commission reports all of its findings to the Governor and Legislature. Once the recommendations are accepted, it then becomes the Commission’s job to ensure efficient and appropriate implementation.²⁶ Roughly one major report on public safety–related issues is produced per year.

Los Angeles County Jail Monitor

*500 West Temple Street
Los Angeles, CA 90012
(213) 974-1411
<http://bos.co.la.ca.us/Main.htm>*

The Los Angeles County Board of Supervisors has the authority to inspect and monitor the Los Angeles County jails. For several years, Merrick Bobb has served as Special Counsel for the County of Los Angeles. He was appointed by the Los Angeles County Board of Supervisors, and has been charged “to con-

25. California Department of Corrections and Rehabilitation, <http://www.cdcr.ca.gov/Divisions/Boards/CSA/> (last visited Mar. 23, 2010).

26. E-mail from Carole D’Elia, Little Hoover Commission, to Courtney Chavez, University of Texas School of Law (Mar. 22, 2006).

duct ongoing monitoring and critical review of the Los Angeles County Sheriff's Department's (LASD) performance."²⁷ He has unfettered access to data and the facilities of the Los Angeles County Sheriff's Department, and submits a written report every six months regarding systemic issues in the department.²⁸

Office of Independent Review (LA County)

*4900 South Eastern Avenue,
Suite 204
Commerce, CA 90040
(323) 890-5425
<http://laoir.com/>*

The Los Angeles County Board of Supervisors created the Office of Independent Review (OIR) to "direct and shape internal affairs investigations in the LASD."²⁹ The OIR makes recommendations regarding decisions, can participate in investigations, and must certify an investigation before its closure.³⁰ In its investigations the OIR has access to all materials,

27. See Contract with Special Counsel Merrick J. Bobb and County of Los Angeles (2008), <http://file.lacounty.info/bos/sop/supdocs/46747.pdf>.

28. Merrick Bobb, *Civilian Oversight of the Police in the United States*, 22 ST. LOUIS U. L. REV. 151, 160 (2003).

29. *Id.*

30. *Id.*

facilities, and individuals involved.³¹ The OIR goes onsite following all jail homicides and suicides and participates in a "walk through" of the crime scene. The OIR actively participates in the death review process and makes both individual and systemic recommendations. The OIR is also involved in systems review and policy reform. All of the misconduct and critical incident investigations monitored by the OIR are publicly reported. Jail systems issues that were addressed during the year by the OIR are captured in a public annual report.³²

Office of Independent Review (Orange County)

*320 N. Flower Street
Santa Ana, CA 92703
(714) 834-4631
www.oir.ocgov.com*

The Orange County Board of Supervisors passed an ordinance in 2008 that established the Office of Independent Review to provide full-time civilian oversight of the Orange County Sheriff's Department, which runs the three County Jail facilities and houses some 1,800 inmates.

31. *Id.* at 159.

32. E-mail from Michael Genaco, Chief Counsel, L.A. Office of Independent Review, to Michele Deitch, (Nov. 16, 2009).

Pursuant to an attorney-client relationship with the County and the Sheriff's Department itself, the OIR has access to investigative files, official records, and confidential meetings involving Department personnel. It uses this access to ensure that the Department's internal review processes are thorough, fair and effective. The OIR monitors all misconduct cases and critical incidents, including significant uses of force and inmate deaths. It tracks the progress of all investigations and consults with Department decision-makers as to appropriate outcomes. While it cannot compel a particular result, its access to information and ability to report to the public contribute to its influence.

Office of the Inspector General

*P.O. Box 348780
Sacramento, CA 95834-8780
(800) 700-5952
<http://www.oig.ca.gov/>*

The Office of the Inspector General (OIG) is dedicated to providing oversight of the California correctional system. It is an independent government agency that operates externally from the Department of Corrections and Rehabilitation (CDCR). The OIG has authority under state law to conduct audits and criminal investigations. Along with this authority comes unlimited access to any and all facilities

within the prison system, including access to all employees and the ability to review any document at any time. Its goals are to improve the effectiveness and efficiency of the department and increase public confidence in the system.³³

The OIG must maintain a toll-free public line so that employees within the correctional facility can report problems. The inmates also have access to the OIG through a mailing process that allows any inmate to report problems they encounter.³⁴

The OIG is divided into two bureaus: the Bureau of Audits and Investigations, and the Bureau of Independent Review. The Bureau of Audits and Investigations conducts fiscal and performance audits of all institutions and the system as a whole. The audits cover all aspects of the prison institution and operational system, from the warden's performance to compliance with laws and regulations. The Bureau of Independent Review provides real-time oversight of CDCR. Its function is to oversee all investi-

33. E-mail from Matthew Cate, then-Chief Inspector General, California Office of the Inspector Gen., to Courtney Chavez, University of Texas School of Law (Mar. 30, 2006).

34. *Id.*

gations conducted by the internal affairs unit of the CDCR as they occur, to ensure that the agency fairly and effectively investigates and disciplines officers for violating the law or correctional policy.³⁵ All reports issued by the OIG are available to the public.

Office of Sexual Abuse in Detention Elimination Ombudsperson

*Office of Inspector General
P.O. Box 348780
Sacramento, CA 95834
(800) 700-5952
<http://www.oig.ca.gov/pages/bureau/bureau-of-criminal-investigations.php>*

The Ombudsperson was created in 2005 under the Sexual Abuse in Detention Elimination Act in order to investigate and resolve any complaints by inmates of sexual abuse.³⁶ The Ombudsperson has the authority to monitor facilities in the California prison system and respond to any complaints filed that relate to sexual abuse. This authority allows the Ombudsperson to in-

spect all institutions within the Department of Corrections and Rehabilitation and to interview all inmates and wardens.³⁷ Inmates are allowed to write confidential letters to the Ombuds-Ombudsperson, whose contact information is clearly posted in every institution.³⁸

The Office of the Sexual Abuse in Detention Elimination Ombudsperson is independent of the CDCR to ensure impartial resolutions. The Office is based within the Office of the Inspector General.³⁹

Sybil Brand Commission for Institutional Inspections

<http://sbc.lacounty.gov/>

The Board of Commissioners for Los Angeles County has developed the Sybil Brand Commission for Institutional Inspections. The Commission is charged with inspecting each jail facility or lockup in Los Angeles County at least once each year. Upon visiting the institutions, the Commission reviews the administration, cleanliness, discipline, care, and security of the inmates. During inspections, any member of the Commission

35. Interview by Courtney Chavez with Larry Finney, Office of the Inspector (Mar. 23, 2006). *See also* Letter from Matthew Cate, Office of the Inspector Gen., to Michele Deitch (Mar. 30, 2006).

36. CAL. PENAL CODE § 2641(a) (West 2010).

37. *Id.* § 2641(b).

38. *Id.* § 2641(c), (d).

39. *Id.* § 2641(a).

has the authority to interview any individual locked up imprisoned in the facility.⁴⁰

40. Board of Supervisors, Sybil Brand Commission for Institutional Inspections, <http://bos.co.la.ca.us/Rosters/FactSheets/CHI-250.htm> (last visited Mar. 23, 2010). *See also* Sybil Brand Commission, <http://sbc.lacounty.gov/> (last visited Mar. 23, 2010).

COLORADO

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
The Legal Center for People with Disabilities and Older People	X	X		X			X				X	X		X	

We have not identified any formal external jail or prison oversight mechanisms in Colorado.

Colorado's designated protection and advocacy organization for mentally ill and disabled persons is The Legal Center for People with Disabilities and Older People, which seems to make prison-related issues a high priority, thus warranting inclusion in the chart above.

The Legal Center for People with Disabilities and Older People

*455 Sherman Street, Suite 130
Denver, CO 80203
(303) 722-0300
<http://www.thelegalcenter.org/>*

The Legal Center for People with Disabilities and Older People is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons

and jails in Colorado.⁴¹ As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed. One of the organization's high priorities is to monitor the delivery of mental health services to Colorado prison and jail inmates.

41. The Legal Center for People with Disabilities and Older People, Mission, <http://www.thelegalcenter.org/index.php?s=35> (last visited Feb. 9, 2010).

CONNECTICUT

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have identified no formal external jail or prison oversight mechanisms in Connecticut. Connecticut has a unified corrections system in which both prisons and jails are operated by the state.

Connecticut's designated protection and advocacy organization for mentally ill and disabled persons is the Office of Protection and Advocacy for Persons with Disabilities.

Office of Protection and Advocacy for Persons with Disabilities

*60B Weston Street
Hartford, CT 06120-1551
(860) 297-4300
(800) 842-7303
<http://www.ct.gov/opapd>*

The Office of Protection and Advocacy for persons with Disabilities is a state agency. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Connecticut. As part of the na-

tion's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.⁴²

42. *See generally* Office of Protection and Advocacy for Persons with Disabilities, <http://www.ct.gov/opapd/site/default.asp> (last visited Feb. 9, 2010).

DELAWARE

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Delaware Council on Correction	X	X			X		X	X					X		X
Delaware Criminal Justice Council	X	X			X		X	X				X		X	

Delaware has a unified corrections system and all prisons and jail facilities in the state are operated under the state Department of Corrections. Although established formal oversight mechanisms in the state of Delaware are limited, recent crises involving the state's correctional health care system have generated a significant amount of outside attention, including efforts to investigate and provide oversight of prison conditions.

In September 2005, numerous newspaper articles in the Delaware *News Journal* drew atten-

tion to alleged medical neglect of prison inmates. Bipartisan political officials demanded an investigation into the prisons' healthcare system. Representative Hazel D. Plant thereafter asked to convene a special House Committee to investigate prison medical care, according to a *News Journal* article.⁴³

43. Lee Williams & Esteban Parra, *Lawmakers Eye Prison Medical Care*, THE NEWS JOURNAL, Sept. 29, 2005, available at <http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20050929/NE>

Under the Civil Rights of Institutionalized Persons Act of 1980, the Civil Rights Division of the U.S. Department of Justice is authorized to investigate prison and jail conditions.⁴⁴ It initiated an official inquiry in early October 2005.⁴⁵ The five-month federal inquiry resulted in a full-blown federal investigation, announced on March 7, 2006.⁴⁶ On December 29, 2006, the Justice Department and the Department of Corrections signed a Memorandum of Agreement detailing changes to be made in the delivery of medical and men-

tal health care to prisoners and agreeing to appoint an independent monitor for a period not to exceed three years.⁴⁷ In May of 2007, Joshua W. Martin III was selected to serve as independent monitor with a team of medical and mental health professionals providing expertise and support. Mr. Martin and his team have unrestricted access to the facilities for purposes of monitoring compliance with the agreement. He is required to issue a public report on a semi-annual basis regarding the State's progress. The first report was published on June 29, 2007 and the fifth was released in September 2009.⁴⁸

WS/509290325&theme=PRISONDEATHS [hereinafter *Medical Care*].

44. Civil Rights of Institutionalized Persons Act, Pub. L. No. 96-247, 94 Stat. 349 (codified as amended at 42 U.S.C. §§ 1997a-1997c (2006)).

45. *Medical Care*, *supra* note 42. See also Lee Williams & Esteban Parra, *Federal Suit Could Bring Needed Changes*, THE NEWS JOURNAL, Oct. 9, 2005, available at <http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20051009/NEWS/510090340&theme=PRISONDEATHS>.

46. Memorandum of Agreement Between the United States Department of Justice and the State of Delaware Regarding the Delores J. Baylor Women's Correctional Institution, The Delaware Correctional Center, The Howard R. Young Correctional Institution, and The Sussex Correctional Institution 3 (Dec. 29, 2006), available at http://www.deprisonmonitor.org/pdf/delaware_prisons_moa_12-29-06.pdf.

In the past, the Delaware Center for Justice had a contract with the Department of Corrections to provide oversight of the inmate grievance process. Center staff had access to facilities, sat in on grievance hearings, audited grievance files, monitored the agency's compliance with grievance process timelines, interviewed staff and inmates, and issued reports twice annually. However, that contract is no longer in effect.⁴⁹ The Center

47. *Id.* at 6-14, 18-24.

48. The Office of Independent Monitor for Delaware Correctional Facilities, <http://www.deprisonmonitor.org/index.html> (last visited Feb. 9, 2010).

49. Telephone Interview by Michele Deitch with Janet Leban, Ex-

now serves primarily as an inmate advocacy organization and it runs programs in correctional facilities.

The Delaware Criminal Justice Council has access to corrections institutions, but does not monitor conditions within prisons. The Delaware Council on Corrections is an appointed advisory body that serves as a liaison to the public.

Delaware's designated protection and advocacy organization for mentally ill and disabled persons is the Community Legal Aid Society.

Community Legal Aid Society, Inc.

*Community Service Building
100 West 10th Street, Suite 801
Wilmington, DE 19801
(302) 575-0660
<http://www.declasi.org/>*

The Community Legal Aid Society, Inc. is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Delaware. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with dis-

abilities and mental illness are housed.

Delaware Council on Correction

*245 McKee Road
Dover, DE 19904
(302) 739-5601
<http://www.doc.delaware.gov/CO C.shtml>*

The Council is made up of citizens appointed by the Governor, and it has statutory authority to meet with corrections administrators and the Governor to advise and "consider matters relating to the development and progress of the adult correctional system of this State, including correctional facilities and services provided to adult offenders."⁵⁰

Delaware Criminal Justice Council

*Carvel State Office Building
820 N. French Street, 10th Floor
Wilmington, DE 19801
(302) 577-5030
<http://www.state.de.us/cjc/default.shtml>*

The Delaware Criminal Justice Council comprises a broad range of members, including DOC administrators, lawyers, and other state employees, and works with the DOC in issues surrounding

ecutive Director, Delaware Center for Justice (Dec. 4, 2009).

50. DEL. CODE ANN. tit. 29, § 8905(c) (2009).

planning, juvenile justice, sentencing, and finance. Council members do not monitor prison conditions as a regular activity, but according to staff, they do have unfettered access to corrections facilities.⁵¹ According to its website, the Council does not have a defined statutory purpose.⁵² Prison conditions do not appear to be a priority issue for this body.

51. Interview by William Vetter with Jim Kane, Executive Director, Delaware Criminal Justice Council (July 26, 2006).

52. State of Delaware, The Official Website of the First State, About the Agency, <http://www.state.de.us/cjc/default.shtml>. (last visited Feb. 9, 2010).

FLORIDA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Florida Corrections Accreditation Commission		X			X	X			X				X	X	
Florida Department of Health, Correctional Medical Authority	X			X	X	X					X	X		X	
Florida Model Jail Standards Committee		X			X	X			X					X	

Prison oversight in Florida is limited to oversight of the correctional health care delivery system by the Florida Department of Health's Correctional Medical Authority.

Until the mid-1990s, Florida's jails were under the oversight of the State Department of Corrections. The Legislature eliminated this function as a cost-saving measure, and instead mandated

the creation of model jail standards. The Florida Model Jail Standards Committee, run under the auspices of the Florida Sheriff's Association, developed these model standards and uses volunteer inspectors to conduct annual inspections of jails to assess compliance with the standards. However, it has no statutory mandate to conduct inspections or to enforce compliance. Florida also has a vo-

luntary inspection program of its jails run by the Florida Corrections Accreditation Commission.

The now-defunct Florida Corrections Commission was established by the Legislature in late 1994 and its primary function was to oversee Florida's correctional system. It was charged with reviewing the effectiveness and efficiency of the state's correctional efforts, recommending policies, and evaluating the implementation of approved policies.

Florida's designated protection and advocacy organization for mentally ill and disabled persons is the Advocacy Center for Persons with Disabilities, Inc.

The Advocacy Center for Persons with Disabilities, Inc.

*2728 Centerview Drive, Suite 102
Tallahassee, FL 32301
(850) 488-9071
(800) 342-0823
<http://www.advocacycenter.org/>*

The Advocacy Center for Persons with Disabilities Inc. is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Florida. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which per-

sons with disabilities and mental illness are housed.

Florida Corrections Accreditation Commission

*3504 Lake Lynda Drive, Suite
380
Orlando, FL 32817
(407) 897-2828*

http://www.flaccreditation.org/FACAC%20web/index_corrections.html

The Florida Corrections Accreditation Commission offers voluntary accreditation for the state's 67 county jails and reaccreditation every three years. Once a facility applies for accreditation, it must come into compliance with standards within two years. At that point in time, Commission representatives conduct an on-site review of applicant facilities. According to the Commission, the accreditation standards "are derived primarily from the Florida Model Jail Standards."⁵³

53. Florida Corrections Accreditation Commission, Inc., Accreditation Benefits, www.flaccreditation.org (last visited Feb. 9, 2010).

**Florida Department of
Health, Correctional
Medical Authority**

*4052 Bald Cypress Way, Bin 04
Tallahassee, FL 32399-1732
(850) 245-4557
<http://www.doh.state.fl.us/cma/overview/index.html>*

The Correctional Medical Authority (CMA) assists the Department of Corrections in the delivery of health care to inmates by assuring that adequate standards of physical and mental health care for inmates are maintained at all institutions, and by providing an annual report to the Governor and Legislature on the status of the department's health care delivery system.

The CMA was created in 1986 in response to litigation over insufficient physical and mental health care for inmates in Florida's prison system. In 1993, after 21 years of oversight, the federal court relinquished its oversight of Florida's prison health system.⁵⁴

CMA staff members, together with teams of contracted community health care specialist

consultants (doctors, dentists, psychologists, nurses, etc.), conduct periodic surveys of the physical, dental and mental health services provided at the state's major correctional institutions. The CMA is required to survey each institution at least once every three years. The survey teams evaluate health care records and institutional policies and procedures, interview staff and inmates, and generally ascertain the prisoners' access to and appropriateness of the care provided. Survey results are provided to the Office of Health Services and deficiencies are reported to the department secretary for corrective action. The assistant secretary for Health Services is responsible for assuring that deficiencies are addressed. If the authority and the assistant secretary are unable to resolve disagreements, there is a specified mechanism to appeal. If necessary, the Cabinet, sitting as the Administration Commission, may make a final decision.⁵⁵

54. Florida Department of Health, Correctional Medical Authority, <http://www.doh.state.fl.us/cma/overview/history.html> (last visited Feb. 9, 2010).

55. FLA. STAT. § 945.6035 (2010).

Florida Model Jail Standards Committee

Florida Sheriff's Association
 2617 Mahan Drive
 Tallahassee, FL 32308
 (850) 877-2165
<http://www.flsheriffs.org/index.cfm/referer/content.contentList/ID/408/>

Florida legislative statute 951.23 mandates the creation of a working group to develop model standards for the operation of jails and detention facilities in the state.⁵⁶ Known as the Florida Model Jail Standards Committee, the entity includes five members: three persons appointed by the Florida Sheriff's Association and two appointees of the Florida Association of Counties. The Committee operates under the auspices of the Florida Sheriff's Association.

Although the statute does not mandate monitoring of jail facilities, the Committee chair also appoints a facilitator who coordinates jail inspections and reporting. Such inspections are conducted by volunteer inspectors (typically corrections officials in another jail), and are conducted annually for each jail in the state using a checklist of

56. FLA. STAT. § 951.23(4) (2007), http://www.myfloridahouse.gov/files/torres/web/statutes/fs07/CH0951/Section_0951.23.HTM (last visited June 3, 2010)

questions based on the Standards. Re-certification training for jail inspectors is available online.⁵⁷

According to a news article critical of these jail inspections, there are no repercussions for non-compliance with the Standards and most jails receive reports indicating that they are in compliance with 100% of the Model Jail Standards.⁵⁸ The Committee lacks the ability to assume control of operations when conditions become substandard.

57. Florida Sheriff's Association, "Online Re-Certification Course for Jail Inspectors," available at: <http://www.flsheriffs.org/index.cfm/referer/content.contentList/ID/408/> (last visited June 3, 2010).

58. Anthony Colarossi and Wiloughby Mariano, "If all Central Florida jails rate an A, is it deserved?," Orlando Sentinel, May 15, 2010, *available at* <http://www.orlandosentinel.com/news/local/os-jail-accreditation-florida-20100515,0,7109127,full.story> (last visited June 3, 2010).

GEORGIA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have identified no formal external prison or jail oversight mechanisms in Georgia. The Department of Corrections has a policy-setting board (the “Board”) responsible for hiring or firing the director and establishing the rules under which the department operates. Members of the Board are citizens appointed by the Governor. Though the Board has access to departmental facilities, it is not intended to be an inspection and monitoring entity.

The relatively new Office of the Ombudsman within the DOC works with advocacy groups and inmate families to investigate problems reported in facilities. This office is tasked with provid-

ing objective investigations and recommendations to the Department of Corrections, but is not external to the agency.

In rare circumstances, the Georgia Bureau of Investigations will be called to assist or handle an investigation of an inmate death.⁵⁹

Georgia’s designated protection and advocacy organization for mentally ill and disabled persons is the Georgia Advocacy Office.

59. Interview by William Vetter with Office of the Ombudsman (July 27, 2006).

**Georgia Advocacy
Office**

*150 E. Ponce de Leon Ave., Suite
430
Decatur, GA 30030
(404) 885-1234
(800) 537-2329
<http://www.thegao.org/>*

The Georgia Advocacy Office is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Georgia. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

HAWAI'I

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Office of the Ombudsman	X	X		X			X	X				X		X	

External monitoring of prisons and jails in Hawai'i is very limited, and is available primarily through the Office of the Ombudsman, a legislative entity that handles complaints about all executive branch agencies. Hawai'i has a unified corrections systems in which the state operates both prisons and jails.

In 2007, the state legislature passed the Community Safety Act, which created a legislative oversight committee for Hawai'i's prisons.⁶⁰ The committee was directed to conduct site vis-

its in prison facilities to evaluate issues such as safety and sanitation, and committee members were allowed to bring legislative staff and other experts with them on these inspections. The oversight committee was abolished in 2009.⁶¹

Due to limited resources on the island, Hawai'i exports a very large percentage of its prisoners to private facilities in mainland states. Some significant abuses of prisoners have occurred in these facilities, most recently in-

60. Haw. Rev. Stat. § 353H (2010).

61. S.B. 539, 25th Leg. (Haw. 2009), *available at* http://www.capitol.hawaii.gov/splsesion2009/bills/ACT24_.pdf.

volving sexual abuse of female prisoners by staff at a private prison in Kentucky.⁶² During the 2009 legislative session, the Hawaiian legislature passed a resolution⁶³ to have an auditor conduct a private prison performance audit of the Saguaro Correctional Center in Arizona to ensure that Hawaiian inmates are receiving adequate health services and access to prison programming.⁶⁴ Because of the budget crisis, however, this audit has not been performed.⁶⁵

Hawai'i's designated protection and advocacy organization for persons with mental illness and disabilities is the Hawai'i Disability Rights Center.

Hawai'i Disability Rights Center

62. Ian Urbina, *Hawaii to Remove Inmates Over Abuse Charges*, N.Y. TIMES, Aug. 26, 2009, at A 12, available at <http://www.nytimes.com/2009/08/26/us/26kentucky.html>.

63. H. Con. Res. 199, 25th Leg. (Haw. 2009).

64. Senator Will Espero, *Hawaii Legislation Ensures Prison Inmates' Needs Are Being Met*, HAW. REPORTER, May 21, 2009, available at <http://www.hawaiireporter.com/story.aspx?8fc5ff6f-0506-41e6-b23e-a9e672820d44>.

65. E-mail from Kat Brady, Director, Community Alliance on Prisons, to Michele Deitch (Nov. 16, 2009).

**900 Fort Street Mall, Suite 1040
Honolulu, HI 96813
(808) 949-2922
<http://www.hawaiidisabilityrights.org>**

The Hawai'i Disability Rights Center is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Hawai'i. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Office of the Ombudsman

**465 South King St., 4th Floor
Honolulu, HI 96813
(808) 587-0770
<http://www.ombudsman.hawaii.gov/>**

The Ombudsman is an "officer of the legislature who [is charged with] investigat[ing] complaints about actions of executive branch agencies of the state and county governments," including agencies that run correctional facilities.⁶⁶ The Ombudsman can investigate complaints about prison conditions as well as alle-

66. Office of the Ombudsman, About Us, <http://www.ombudsman.hawaii.gov/about-us> (last visited Feb. 23, 2010).

gations of abuse and neglect. If substantiated, the office can attempt to resolve the problem with the agency directly. The Ombudsman does not have the power to compel or reverse administrative actions but instead tries to resolve substantiated complaints through recommendations and reasoned persuasion. The office can also make recommendations for changes to the law, administrative rules, or operating procedure.

IDAHO

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Idaho Sheriffs' Association		X		X		X			X			X		X	

We have identified no formal external prison oversight mechanism in this state. With regard to jails, the Idaho Sheriffs' Association has established minimum

jail standards, and conducts regular inspections for the purpose of certification.

Idaho's designated protection and advocacy organization for persons with mental illness or disabilities is Disability Rights Idaho.

Disability Rights Idaho

*4477 Emerald St., Suite B-100
Boise, ID 83706
(208) 336-5353
<http://www.disabilityrightsidaho.org/>*

Disability Rights Idaho is a non-profit advocacy organization. It advocates for and protects the right of people with disabilities and mental illness, including those in prisons and jails in Idaho. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Idaho Sheriffs' Association

*1087 W. River St., Suite 100
Boise, ID 83702
(208) 287-0001
<http://www.idahosheriffsassociation.com/index.html>*

The Idaho Sheriffs' Association developed minimum operational jail standards in response to fears of expensive litigation related to jail conditions.⁶⁷ To ensure compliance with these standards, the Association schedules annual inspections of each facility that are conducted by two sheriffs, two county board

67. IDAHO SHERIFFS' ASSOCIATION MINIMUM JAIL STANDARDS i (2003), *available at* <http://www.nicic.org/pubs/2003/019370.pdf>.

members, and the jail standards coordinator.⁶⁸ If a jail is not in compliance, jail officials have 30 days to present a compliance plan.⁶⁹ If they do not reach compliance, the jail may not be certified.⁷⁰

68. *Id.* at ii.

69. *Id.*

70. *Id.* *But see* MARTIN, *supra* note 4, at 46 (suggesting that the Idaho Sheriffs' Association does not have any enforcement authority).

ILLINOIS

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Illinois Department of Corrections – Detention Standards Division		X		X	X	X	X		X			X		X	
John Howard Association for Prison Reform	X	X			X	X			X				X	X	X

Illinois has one of the country's best-known non-governmental oversight mechanisms for prisons and jails: the John Howard Association for Prison Reform, a non-profit organization. The Department of Corrections' Detention Standards Division has the responsibility of monitoring local jails in Illinois.

Illinois's designated protection and advocacy organization for persons with mental illness or disabilities is Equip for Equality.

Equip for Equality

20 North Michigan Ave., Suite 300

Chicago, IL 60602

(312) 341-0022

(800) 537-2632

<http://www.equipforequality.org/>

Equip for Equality is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Illinois. As part of the nation's pro-

tection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Illinois Department of Corrections, Jail and Detention Standards Unit

*1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 558-2200, ext. 2008
http://www.idoc.state.il.us/subsections/departments/jail_and_detention_standards/default.shtml*

The Jail and Detention Standards Unit (the “Unit”) of the state prison agency monitors local jail compliance with the Illinois County Jail Standards, Municipal Jail and Lockup Standards and provides technical assistance to facilities. The Unit has four inspectors, who make annual visits to each facility, sometimes unannounced. The Unit also takes complaints and may investigate unusual occurrences, such as deaths or suicides. Repeatedly non-compliant institutions can be reported to the Attorney General, who has the authority to close them.⁷¹ Staff members also serve in an ombudsman capacity, responding to complaints from jail in-

71. Interview by William Vetter with Jail and Detention Standards Unit (July 17, 2006)

mates and others about detention operations and civil rights violations.

John Howard Association for Prison Reform

*300 West Adams Street, Suite 423
Chicago, IL 60606
(312) 782-1901
<http://www.john-howard.org/>*

The John Howard Association (JHA) is a private, not-for-profit organization that provides “public oversight of the state’s prisons, jails, and juvenile correctional facilities.”⁷² The JHA’s Prisons and Jail Project sends staff and volunteers on periodic, announced visits to prisons in 102 counties to evaluate the conditions of confinement. JHA staff includes corrections experts as well as volunteers who go through a short training course prior to visits. Reports are produced from these visits and are used to make recommendations for change or improvement. For corrections institutions other than the Cook County (Chicago) Jail, for which the JHA was appointed in 1982 as a special court monitor, access is at the discretion of corrections officials. However, the organization has had unre-

72. John Howard Association for Prison Reform, Mission, <http://www.john-howard.org/aboutus/mission.html> (last visited Feb. 23, 2010).

stricted access to these institutions for 40 years, and the organization has become known as the state's jail and prison oversight body.⁷³

73. E-mail from Malcolm Young, then-Director, John Howard Association, to Michele Deitch (June 16, 2006).

INDIANA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Indiana Department of Correction Program Review		X		X	X	X			X			X		X	
Indiana Ombudsman Bureau	X			X			X			X		X		X	
Indiana State Department of Health	X				X	X				X	X		X	X	

Prison oversight in Indiana is handled primarily through the use of an Ombudsman, though issues related to correctional medical care are also reviewed by the State Department of Health. No entity has responsibility for inspecting prison conditions on a routine basis. Jail oversight in Indiana is well-established.

The Indiana Ombudsman Bureau functions independently of the DOC and investigates prisoner-related grievances. Bureau staff have access to prisons, inmates, and correctional staff, but do not have the statutory authority to enforce any of their recommendations.

Characterized as being “unusual [for a health department]” in its

access to prisons,⁷⁴ the Indiana State Department of Health (ISDH) conducts annual and complaint surveys to assess healthful environment and medical care. Pursuant to statute, the department also conducts an annual survey of the food service at each prison. Surveyors are authorized to review any medical records, policies and facility documents, and may interview prisoners and correctional staff. ISDH is not able to enforce its recommendations.

The Indiana Department of Correction (DOC) has oversight of county jails and juvenile detention facilities, and may recommend that a facility be closed. It is at the DOC Commissioner's discretion to convene a grand jury to decide if the jail remains operational. Jail inspections carried out by the Indiana DOC are some of the most in-depth inspections of this type in the country.

Indiana's designated protection and advocacy organization for persons with mental illness and disabilities is Indiana Protection and Advocacy Services.

74. Telephone Interview by Michelle Burman with Joyce Elder, Dir. of Prison Health, Ind. State Dep't of Health, Health Care Regulatory Servs. Comm'n, Acute Care Div., (Mar. 22, 2006) [hereinafter Elder Interview].

Indiana Department of Correction Program Review

*302 West Washington Street
Indianapolis, IN 46204*

(317) 233-4778

<http://www.in.gov/indcorrection/>

The Indiana Department of Correction (DOC) Program Review is responsible for state-level oversight of the 92 county jails and 24 juvenile detention facilities throughout the state. Headquartered in the DOC, Program Review's three jail inspectors are employed by and report to the DOC.⁷⁵ The DOC, through its Commissioner, is responsible for developing minimum standards for county jails and juvenile detention facilities.

Since 2002, inspections are conducted at least once annually. Prior to 2002, each facility had to be inspected twice a year. Inspectors are available to visit any jail or detention facility more often if the local administrator requests additional assistance.⁷⁶

75. Telephone Interview by Michelle Burman with Paul Downing, former Jail Inspector, Ind. Dep't of Corr., (Mar. 30, 2006) (explaining that in 2005, the division merged with the state facility auditors to conduct all county jail, juvenile detention facilities, and prison audits) [hereinafter Downing Interview].

76. *Id.*

During the audit, the inspectors complete a 225-question survey based on direct observation and interviews with inmates and staff. All questions pertain to the Indiana Code and are derived from American Correctional Association (ACA) standards. Currently, only one jail in Marion County and one juvenile detention facility are ACA-accredited.⁷⁷

Once the audit is complete, a jail report with Program Review's recommendations for improvement is generated and circulated to the circuit court judges, sheriffs, president of the Board of Commissioners, county counsel, auditor, and county prosecutor. Reports are made public upon request ten days after their release to the aforementioned individuals.⁷⁸ Although the DOC may make recommendations, it has no direct authority to enforce them.⁷⁹ If Program Review recommends a jail be closed, the DOC Commissioner has the power to convene a grand jury to decide the fate of the facility.⁸⁰

77. Telephone Interview by Michelle Burman with Jeanne Alverson, Jail Inspector, Ind. Dep't of Corr. (Mar. 31, 2006) [hereinafter Alverson Interview].

78. *Id.*

79. Downing Interview, *supra* note 71.

80. Alverson Interview, *supra* note 73.

Indiana Ombudsman Bureau

*402 West Washington Street,
W479, Indianapolis, IN 46204
(317) 234-3190
<http://www.in.gov/idoc/2318.htm>*

The Ombudsman Bureau was established in 2003 and functions independently of the Indiana Department of Correction (DOC). Appointed by the Governor, the Ombudsman is responsible for investigating prisoner complaints against the DOC relating to the violation of any law, departmental policy, or any act that risks the health or safety of any person.⁸¹ The Bureau is also staffed with an executive assistant.

The review and investigative process usually begins with a prisoner-related grievance, but the Ombudsman may also initiate an investigation. Grievance forms are available to the public on the Bureau's website,⁸² and to prisoners in the law library at every correctional institution. The DOC has its own internal, two-step grievance process; inmates may file a complaint informally and then, if it

81. IND. CODE § 4-13-1.2-5 (2009) (stating that the Ombudsman is prohibited from investigating employee complaints against the DOC).

82. Ind. Ombudsman Bureau, Complaint Report (2004), <http://www.in.gov/icpr/webfile/forms/div/51506.pdf>.

remains unresolved, they may file a formal grievance at their institution. To expedite and facilitate the process, a Grievance Specialist is housed in each facility. If they wish, inmates may bypass these two steps and submit their complaints directly to the Ombudsman.

Bureau staff members are granted direct access to any relevant DOC records for the inmate or complainant and, per statute, are granted "immediate access" to any DOC facility; however, the decision to make an unannounced visit is generally made on a case-by-case basis. In addition, any records from other state or government agencies that have information related to the investigation or complainant must be made available.⁸³ The Ombudsman may also conduct confidential interviews with the prisoners.

Monthly reports are sent to the Governor's Office and the DOC Commissioner, with an annual report submitted to the Governor, DOC Commissioner, and the Legislature. Although the reports include recommendations for change, the Ombudsman has no enforcement authority.

If the DOC is overcrowded, the agency can lease beds in the county jail. The Ombudsman has jurisdiction to respond to complaints only over those DOC inmates temporarily housed in the jails. Otherwise, the Bureau does not investigate complaints about jail conditions. The Bureau does work closely with the Indiana DOC's jail inspectors, and defers to them if the complaint references a jail-related matter.

Indiana Protection and Advocacy Services

*4701 North Keystone Avenue,
Suite 222 Indianapolis, IN 46204
(317) 722-5555
(800) 622-4845
<http://www.in.gov/ipas/>*

Indiana Protection and Advocacy Services is an independent state agency that receives no state funding. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Indiana. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

83. IND. CODE § 4-13-1.2-6 (2009).

Indiana State Department of Health, Health Care Regulatory Services Commission, Acute Care Division

*2 North Meridian Street
Indianapolis, IN 46204
Main: (317) 233-1325, Direct:
(317) 233-7485
<http://www.in.gov/isdh/20111.htm>*

Pursuant to statute, the Indiana State Department of Health (ISDH) conducts annual and complaint surveys to assess for “any unsafe, unsanitary or unhealthy conditions that affect the health, safety and welfare of offenders or employees”⁸⁴ and medical care⁸⁵ in each facility operated by the Department of Correction (DOC). The ISDH also is mandated by law to conduct an annual survey of the Food Service at each institution. The ISDH only investigates a complaint when, if true, it would violate one of the standards the ISDH regulates. Two surveyors, one for health care and one for food services and environment, are employed to complete the

surveys. The survey tasks include reviews of medical records, policies, facility documents, and logs; observations; and interviews with staff and inmates.

Because the law does not enumerate the specific criteria that the health, environment, and sanitation must meet, the ISDH operates under a Memorandum of Understanding (MOU) with the DOC. The MOU specifies the standards the ISDH will use as criteria for the surveys. Many of the prisons in Indiana are accredited by the American Correctional Association (ACA). Therefore, the ISDH and DOC have agreed upon selected mandatory and non-mandatory ACA standards as criteria.⁸⁶ The Retail Food Establishment Sanitation Requirements,⁸⁷ which are required for all food establishments in the state, are utilized for the food inspections.⁸⁸ The ISDH policy is to make unannounced surveys. The MOU outlines how the survey process will be conducted and how the survey reports are processed. Confidentiality with inmates is not guaranteed, but the presence of correctional staff at interviews is primarily to ensure the safety of the surveyors.

84. E-mail from Joyce Elder, Dir. of Prison Health, Ind. State Dep’t of Health, Health Care Regulatory Servs. Comm’n, Acute Care Div., to Michelle Burman (Mar. 31, 2006) [hereinafter Elder E-mail]. See also IND. CODE § 11-11-6-2 (2009).

85. See IND. CODE §11-10-3-4 (2009).

86. Elder Interview, *supra* note 70.

87. See 410 IND. ADMIN. CODE, 7-24-1 to -452 (2009).

88. Elder E-mail, *supra* note 80.

Once the surveys are complete, the ISDH writes a survey report identifying any “deficiencies” found during the survey.⁸⁹ The report is forwarded to the Governor, the facility, and the DOC Commissioner. The reports do not make recommendations to correct the deficiencies. The MOU allows the ISDH to request the facility submit a “plan of correction” that the ISDH may or may not approve. The plan must include a timeline for when the identified problem(s) will be corrected, how it was or will be corrected, and who will assume responsibility for ensuring that the correction is made and the deficiency will not reoccur. The ISDH does not revisit the facility to assess compliance, but the surveyors visit each facility at least annually and can cite the same violation again when they conduct the subsequent survey. The ISDH also does not have the power to enforce the devised plan, but DOC policy requires that the agency meet ACA standards.

89. *Id.*

IOWA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Iowa Department of Corrections, Policy and Legal Office		X			X	X			X			X		X	
Office of Citizen's Aide/Ombudsman	X			X			X			X	X			X	

Currently, the only entity that has prison oversight responsibility in Iowa is the legislative Office of the Ombudsman, which responds to prisoner complaints. The Department of Corrections has oversight responsibility for local jails.

Iowa's designated protection and advocacy organization for persons with mental illness and disabilities is Iowa Protection and Advocacy Services, Inc.

Iowa Department of Corrections, Policy and Legal Office

*510 East 12th Street
Des Moines, IA 50319
(515) 725-5701
<http://www.doc.state.ia.us/>*

Under Iowa Code Section 356.43, the Department of Corrections (DOC) is charged with making "periodic inspections of each jail or municipal holding

facility” in the State of Iowa.⁹⁰ After each inspection, which is conducted using statutory standards,⁹¹ the department reports to the “governing body of the political subdivision” where the facility is located.⁹² The DOC has the authority to require the correction of any perceived violations, to hold hearings on these violations, and to petition the state attorney general to prohibit the confinement of prisoners in a particular facility.⁹³ The jail inspection function is handled by the Policy and Legal Office within the DOC.

Iowa Protection and Advocacy Services, Inc.

*950 Office Park Road, Suite 221
West Des Moines, IA 50265
(515) 278-2502
<http://www.ipna.org/>*

Iowa Protection and Advocacy Services, Inc. is an independent non-profit advocacy organization.⁹⁴ It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Iowa. As part of the nation’s protection and advocacy network, it has a right of access

to all correctional facilities in which persons with disabilities and mental illness are housed.

Office of Citizens’ Aide/Ombudsman

*Capital Complex, 215 East 7th Street
Des Moines, IA 50319
(515) 281-6844
<http://www.legis.state.ia.us/ombudsman/>*

Iowa state law establishes the Office of the Ombudsman within the state legislature. In fulfilling its responsibility of responding to citizen complaints about government, including complaints filed by prisoners, the Ombudsman has unlimited access to all corrections facilities in Iowa, and access to all documentation, including all confidential documentation, whether written or recorded.

During an inmate’s intake, he or she is informed about the existence of the ombudsman and told he or she can write or call the office with any questions or complaints. Generally, the office waits until a complaint is received; staff then write the inmate back in order to determine whether that inmate would like the office to formally begin an investigation and pursue the issue. However, in situations where the circumstances are extreme and it is determined that there is no time for an exchange

90. IOWA CODE § 356.43 (2008).

91. IOWA ADMIN. CODE r. 201-50.1 to .25 (2009).

92. *Id.*

93. IOWA CODE § 356.43 (2008).

94. IOWA CODE § 2.12 (2010).

of letters, the office will initiate the investigation.

Though the office has access to the facilities, onsite visits are conducted less frequently than in the past. Previously, the Ombudsman would visit the facilities and inform the administration and inmates ahead of time to allow for any inmate with a complaint to schedule time to speak with the ombudsman. Once this became too cumbersome, the prisoners were given access to a toll-free number directly to the office. However, the number of complaints was too many to handle and so the office has returned to only written submission.⁹⁵

95. Interview with Judith Milosevich, Prison Ombudsman, Iowa Citizen's Aide (Mar. 30, 2006).

KANSAS

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have identified no formal external prison or jail oversight mechanism in Kansas responsible for monitoring conditions in facilities and the treatment of inmates.

However, there is a legislative Joint Committee on Corrections and Juvenile Justice Oversight that reviews the operations of the state prison system and county jails, though its primary focus is the inmate population and the need for prison construction or expansion of community

corrections.⁹⁶ There is also a Sentencing Commission in Kansas, but its mandate is narrowly focused on monitoring and regulating prison population through the use of sentencing guidelines and not on prison conditions generally.⁹⁷

Kansas's designated protection and advocacy organization for persons with mental illness or

96. KAN. STAT. ANN. §§ 46-2801, 2802 (2008).

97. See generally Kan. Sentencing Comm'n, <http://www.accesskansas.org/ksc/index.shtml> (last visited Jan. 25, 2010).

disabilities is the Disability Rights Center of Kansas.⁹⁸

Disability Rights Center of Kansas

*635 S.W. Harrison Street, Suite
100
Topeka, KS 66603
(785) 273-9661
www.drckansas.org*

The Disability Rights Center of Kansas is an independent non-profit advocacy organization.⁹⁹ It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Kansas.¹⁰⁰ As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.¹⁰¹

98. Disability Rights Ctr. of Kan., <http://www.drckansas.org/> (last visited Jan. 25, 2010) (stating that it was "formerly Kansas Advocacy-Protective Services (KAPS)").

99. *Id.*

100. *Id.*

101. Disability Rights Ctr. of Kan., <http://www.drckansas.org/whoweare/whoweare.asp> (last visited Jan. 25, 2010).

KENTUCKY

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Kentucky Department of Corrections, Division of Local Facilities Jail Services Branch		X			X	X			X			X		X	

We have not identified any formal external prison oversight mechanisms in Kentucky. However, the Kentucky Department of Corrections (DOC) does have jail inspection authority. The Commissioner of Corrections may order a jail closed, on recommendation of an individual inspector.¹⁰²

The DOC does have an Ombudsman. However, this position is internal to the agency, and so it is not listed in this report.

Kentucky's designated protection and advocacy organization for persons with mental illness or disabilities is Kentucky Protection and Advocacy.

102. U.S. DEP'T of Justice, NIC INFO. CTR., AUTHORITY OF STATE-LEVEL JAIL INSPECTION AGENCIES TO CLOSE COUNTY/LOCAL JAILS 2 (2003),

<http://www.nicic.org/pubs/2003/019303.pdf> [hereinafter AUTHORITY TO CLOSE JAILS].

**Kentucky Department
of Corrections, Division
of Local Facilities Jail
Services Branch**

*Health Services Building
275 East Main Street
P.O. Box 2400
Frankfort, KY 40602-2400
(502) 564-4726
<http://www.corrections.ky.gov/institfac/localfac/>*

The Jail Services Branch inspects jails twice per year to monitor compliance with state standards established by statute,¹⁰³ including standards relating to prisoner rights, and to provide training and technical assistance.¹⁰⁴ After a hearing involving an inspector and officials from a non-compliant local jail, the Commissioner of Corrections can order the closure of a jail.¹⁰⁵

**Kentucky Protection
and Advocacy**

*100 Fair Oaks Lane, Third Floor
Frankfort, KY 40601
(800) 372-2988
<http://www.kypa.net/index.html>*

Kentucky Protection and Advocacy Services is an independent state agency. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Kentucky. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

103. 501 KY. ADMIN. REGS. 3:XX (2009)

104. 501 KY. ADMIN. REGS. 3:130, 140 (2009).

105. AUTHORITY TO CLOSE JAILS, *supra* note 98, at 2.

LOUISIANA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have not identified any formal external prison or jail oversight mechanisms in Louisiana. The Louisiana Department of Public Safety and Corrections Office of Adult Services provides technical assistance to parish jails but does not appear to inspect or monitor them.¹⁰⁶

Louisiana's designated protection and advocacy organization for persons with mental illness

or disabilities is the Advocacy Center.

Advocacy Center

*1010 Common Street, Suite 2600
New Orleans, LA 70112
(800) 960-7705
<http://www.advocacyla.org/index.php>*

The Advocacy Center is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in state and parish prisons in Louisiana. As part of the nation's protection and advocacy

¹⁰⁶ La. Dep't of Pub. Safety and Corr., Office of Adult Servs., <http://www.doc.la.gov/view.php?cat=1&id=2> (last visited Jan. 24, 2010).

network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

The Advocacy Center's work contributed to a consent decree in 2001 that protected deaf inmates in the Orleans Parish Prison.¹⁰⁷

107. Advocacy Ctr., *Major Events in the History of the Advocacy Center*, <http://www.advocacyla.org/publications/HistoryofAC.pdf> (last visited Jan. 24, 2010).

MAINE

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Maine Department of Corrections		X			X	X			X			X		X	
Maine State Prison Board of Visitors	X				X	X			X			X			X
Office of Program Evaluation and Government Accountability	X				X		X	X				X		X	

Maine provides external oversight of its prisons through its citizen prison advisory committee known as the Board of Visitors, which has statutory authority to inspect the prisons at any time and without notice. There is no external prison oversight mechanism in Maine with sanctioning authority.

Audits of the prison system may be conducted by the state's Of-

fice of Program Evaluation and Government Accountability. While the office focuses on government agencies in general, it is currently conducting a review of prison conditions and medical care for inmates.

Oversight of jails is provided by the Department of Corrections.¹⁰⁸

Maine's designated protection and advocacy organization for persons who are mentally ill or disabled is the Disability Rights Center.

Disability Rights Center

*P.O. Box 2007
Augusta, ME 04338-2007
(207) 626-2774
<http://www.drcme.org/>*

The Disability Rights Center is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Maine. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Maine Department of Corrections

*25 Tyson Drive, SHS #111
Augusta, ME 04333
(207) 287-2711
<http://www.maine.gov/corrections/admin.htm>*

The Maine Department of Corrections (DOC) is responsible for inspecting the county jail facilities in the state. The County Jail Inspections section is housed under the Director of Operations in the DOC.¹⁰⁹ According to statute, the Commissioner of Corrections must establish standards for local jails. These jails must be inspected comprehensively every two years, and must be visited at least three other times between comprehensive inspections. The jails can be inspected at any time, without notice. Non-compliant facilities have a set period of time to respond to inspection reports and correct any problems, and the Commissioner can restrict their operations if the response is found to be inadequate. The Commissioner can also close a facility immediately if conditions are unsafe, for a period of 90 days.¹¹⁰

108. Me. Dep't of Corr., <http://www.maine.gov/corrections/admin.htm> (last visited Jan. 24, 2010).

109. *Id.*
110. ME. REV. STAT. ANN. tit. 34-A, § 1208 (1983).

Maine State Prison Board of Visitors

807 Cushing Road

Warren, ME 04864

(207) 359-4651

<http://www.state.me.us/corrections/Facilities/msp/mspBoVisitorsNew.htm>

The Maine State Prison Board of Visitors is an oversight and advisory citizens committee established for each prison facility in the state. Each board is comprised of five Governor-appointedees, one of whom must be licensed in Maine to provide mental health services.¹¹¹ The Board was created under M.R.S.A. 34-A, subsection 3002.¹¹²

The Board's job is to represent the interests of the people of Maine in prison matters. It focuses on the safety and security of the public, prison staff, and inmates, as well as inmate health and prison industries and programs.¹¹³

The Board has only advisory authority. Its job is to be as public as possible in its deliberations and tenacious in its explorations. Members have the authority to go anywhere in the prison at any time, as long as doing so does not conflict with the ability of the prison to manage itself. If problems arise, the Board will bring them to the attention of prison administration. If the prison's justification is unsatisfactory, the Board of Visitors can take concerns to the Governor, Commissioner, or legislative committee responsible for prison issues. The job of the Board of Visitors is to advocate for the whole prison.¹¹⁴ The Board also produces an annual report and provides it to the facility chief, commissioner of corrections, and the joint legislative committee with corrections responsibilities.¹¹⁵

111. An Act to Improve the Role of Boards of Visitors for State Correctional Facilities, Public Law Chapter 216 (2005), *available at* http://www.mainelegislature.org/legis/bills/bills_122nd/chapters/PUBLIC_216-1.asp.

112. *Id.*

113. Dep't of Corr., Me. State Prison Bd. of Visitors, <http://www.state.me.us/corrections/Facilities/msp/mspBoVisitorsNew.htm>

(last visited Jan. 26, 2010).

114. Telephone Interview with Jon Wilson, Chair, Me. State Prison Bd. of Visitors, by Amanda Barstow (Nov. 19, 2009).

115. *Id.*

**Office of Program
Evaluation and
Government
Accountability**

*82 State House Station
Room 107, Cross State Office
Building
Augusta, ME 04333-0082
(207) 287-1901
<http://www.maine.gov/legis/opega/index.shtml>*

The Office of Program Evaluation and Government Accountability (OPEGA) was established by the Maine Legislature in 2004 as an independent, bipartisan agency to conduct performance audits of state government entities and make recommendations to the legislature. While most of its work is unrelated to prison issues, it recently completed a review of correctional management and working conditions for corrections staff,¹¹⁶ and in late 2009, it will begin its first review of issues affecting incarcerated individuals. This audit will focus on the quality of and access to medical care at the facilities, and it was requested by the Government Oversight Committee of the state legislature.¹¹⁷

116. Me. State Legislature Office of Program Evaluation & Gov't Accountability, OPEGA Work Plan for 2009-2010, <http://www.maine.gov/legis/opega/WIP.html> (last visited Jan. 26, 2010).

117. Telephone Interview by Amanda Barstow with Beth Ash-

croft, Director, Me. Office of Program Evaluation and Gov't Accountability (June 29, 2009).

MARYLAND

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Commission on Correctional Standards	X	X			X	X			X				X		X

Maryland is one of the few states to use an independent commission to provide oversight of correctional facilities. The state has an independent body, the Commission on Correctional Standards (CCS), that operates under a statutory mandate to monitor state prisons and local jails. The standards monitored by CCS include those relating to use of force, security, searches, record keeping, transportation, inmate safety, health, provisions, housing, and special detention. After an inspection, CCS develops a compliance plan, adherence to which is required

to avoid sanctions, which can include facility closure.¹¹⁸

Although not directly relevant to this report since the focus is not adults, it is worth highlighting that Maryland provides oversight for juvenile facilities in the form of a Juvenile Justice Monitoring Unit housed within the state Attorney General's office

118. Md. Dep't of Pub. Safety & Corr. Servs., Comm'n on Corr. Standards, Audit Process, <http://www.dpscs.state.md.us/public/info/publications/pdfs/e.pdf> (last visited Jan. 26, 2010) [hereinafter Maryland Audit Process].

(between 2002 and 2006, this had been organized as an Independent Juvenile Justice Monitor in the Governor's Office of Children, Youth, and Families).¹¹⁹ There is no equivalent in the state for the adult prison system.

Maryland's designated protection and advocacy organization for persons with mental illness or disabilities is the Maryland Disability Law Center (MDLC).

Commission on Correctional Standards

115 Sudbrook Lane, Suite 200

Pikesville, MD 21208

(410) 585-3830

<http://www.dpscs.state.md.us/aboutdpscs/ataglance.shtml>

The Commission on Correctional Standards has members appointed by the Governor, and its role is to advise the Secretary on issues related to standards for state and local correctional facilities. It has both a regulatory function and an inspection function, and there are detailed audit procedures applicable to these reviews.¹²⁰ Commission staff are responsible for auditing

facilities to determine compliance with standards and for writing audit reports that are provided to the Secretary. The Commission relies on trained volunteers known as "Duly Authorized Inspectors," mostly existing correctional and police officers, to carry out these inspections and to draft the audit reports, which are then reviewed by Commission members. If inspectors are correctional officers, they are not necessarily from the facilities that they are to inspect. Facilities are given a 60-day notice before inspections.¹²¹ If a facility does not comply with the Commission's recommendations after the Commission has found them to be in violation, the Commission can sanction that facility, including forcing it to close. The Commission can also provide technical assistance where necessary.¹²² The Commission's Audit Reports are available in the Enoch Pratt Public Library in Maryland and the Legislative Library in Annapolis, Maryland.¹²³

119. Md. Attorney Gen., Juvenile Justice Monitoring Unit, <http://www.oag.state.md.us/JJMU/index.htm> (last visited Jan. 26, 2010).

120. See Maryland Audit Process, *supra* note 114.

121. *Id.*

122. *Id.*

123. E-mail from Renard E. Brooks, Executive Director, Maryland Commission on Correctional Standards, to William Vetter (Mar. 31, 2006).

Maryland Disability Law Center

*The Walbert Building,
1800 North Charles Street, Suite
400
Baltimore, MD 21201
(410) 727-6352
<http://www.mdlclaw.org/chemicalcms/home.php>*

The Maryland Disability Law Center is a non-profit legal services organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Maryland. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

MASSACHUSETTS

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Massachusetts Correctional Legal Services	X			X			X				X		X	X	
Massachusetts Department of Corrections-Policy Development and Compliance Unit		X			X		X		X					X	

We have identified no formal external prison oversight mechanism that currently exists in Massachusetts, with one exception: the legal advocacy organization Massachusetts Correctional Legal Services has an established project that allows it to gain access to correctional facilities in order to investigate specific claims of brutality against inmates.

For a brief period of time, there was a statewide commission focused on corrections issues. Following the murder of a high-profile inmate in 2003, Governor Mitt Romney appointed Attorney General Scott Harshbarger to chair a new Commission for Corrections Reform.¹²⁴ The

124. Letter from Kathleen M. Dennehy, Comm'r, Mass. Dep't of

Commission reviewed the operations of the corrections system and made recommendations for reform. These proposed reforms covered areas such as fiscal management, public safety and re-entry, and leadership.¹²⁵ Governor Romney then created the Correctional Advisory Council to address these issues. However, according to the Chair of the Commission, the council “faltered” when it attempted to gain the independence necessary to enact those recommendations,¹²⁶ and the Council is no longer operational.

Certain legislators have taken an interest in prison oversight issues and have repeatedly filed bills to enhance transparency of

prisons through use of Citizen Review Boards. To date, these bills have not passed.

With regard to jail oversight, the Massachusetts Department of Corrections’ Policy Development and Compliance Unit conducts regular inspections of county jails to assess compliance with statutory regulations and national standards.

Massachusetts’s designated protection and advocacy organization for persons with mental illness or disabilities is the Disability Law Center. Similarly, the Disabled Persons Protection Commission has access to prisons in order to ensure that disabled persons are not abused in corrections facilities.

Corr., to Comm’n on Safety & Abuse in Am.’s Prisons (Oct. 13, 2005), *available* at <http://www.prisoncommission.org/statements/dennehy.pdf>.

125. The Commonwealth of Mass. Governor’s Comm’n on Corr. Reform, Final Report, Strengthening Public Safety, Increasing Accountability, and Instituting Fiscal Responsibility in the Dep’t of Corr. (2004), *available* at http://www.mass.gov/Eeops/docs/eops/GovCommission_Corrections_Reform.pdf.

126. Scott Harshbarger, Implementing Corrections Reform: A Major Public Safety Challenge and Opportunity, Address at the Fourth Public Hearing, Comm’n on Safety & Abuse in Am.’s Prisons 2 (Feb. 9, 2006) (transcript available at http://www.prisoncommission.org/statements/harshbarger_scott.pdf).

Disability Law Center, Inc.

*11 Beacon Street, Suite 925
Boston, Massachusetts, 02108
(617) 723-8455,
(800) 872-9992
<http://www.dlc-ma.org/>*

The Disability Law Center (DLC) is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Massachusetts. As part of the nation’s protection and advocacy network, it has a right of access to all correctional facilities in which persons with

disabilities and mental illness are housed.

Disabled Persons Protection Commission

*300 Granite Street, Suite 404
Braintree, MA 02184
(617) 727-6465
<http://www.mass.gov/dppc/>*

The Disabled Persons Protection Commission is a state agency that is statutorily mandated to “protect adults with mental and physical disabilities, between the ages of 18 and 59, from abuse or neglect by their caregiver(s),” presumably including those in correctional facilities.¹²⁷ “Mandated Reporters” at state facilities must report suspected abuse, which the DPPC can investigate.¹²⁸ Available information does not indicate the extent to which the DPPC actually handles prisoner-related cases, and so this organization is not listed in the chart above.

Massachusetts Correctional Legal Services

*Eight Winter Street, 11th Floor
Boston, MA 02108
(617) 482-2773
<http://www.mcls.net/home>*

Massachusetts Correctional Legal Services (MCLS) is a prisoner legal advocacy organization that handles prison conditions issues on an individual or class-action basis. One of the organization’s priority issues is brutality against prisoners. When there is an allegation involving brutality and a prisoner has filed a grievance, the corrections agency allows MCLS staff to have immediate access to the prisoner who alleged abuse, as well as access to any witnesses. Staff are allowed cameras for the collection of evidence. Aside from this program, they only have access typical of any legal advocate.¹²⁹

127. The Commonwealth of Mass. Disabled Persons Prot. Comm’n, http://www.mass.gov/?pageID=dppctermin-al&L=2&L0=Home&L1=About+DPPC&sid=Idppc&b=terminalcontent&f=about_overview&csid=Idppc (last visited Jan. 27, 2010).

128. *Id.*

129. Interview by William Vetter with James Pigeon, Mass. Corr. Legal Servs. (July 26, 2006).

**Massachusetts Department of Corrections,
Policy Development and Compliance Unit**

*Warren Hall
P.O. Box 628
Bridgewater, MA 02324
(508) 279-3821
<http://www.mass.gov/doc>*

The prison agency's Policy Development and Compliance Unit conducts regular inspections and provides technical assistance to ensure that county correctional institutions comply with statutory regulations and correctional standards. It does not appear that the Unit has any enforcement authority, however.

MICHIGAN

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Office of the Auditor General	X				X	X		X					X	X	
Michigan Department of Corrections, County Jail Services Section		X			X	X			X			X		X	
Michigan Protection & Advocacy Service, Inc.	X			X			X				X	X		X	

We have identified no formal external prison oversight mechanism in Michigan. Before 2003, Michigan had an ombudsman with authority to investigate and monitor prison conditions throughout the state. The position was eliminated in 2003 due to budget constraints, and to date, no agency has been established to replace this office. The statute for the ombudsman re-

mains; however, the office is not active.¹³⁰

The Auditor General of Michigan conducts routine reviews and financial audits of all state

130. Telephone Interview by William Vetter with Barbara Levine, Executive Dir., Citizens Alliance on Prisons & Pub. Spending (Mar. 24, 2006).

agencies.¹³¹ This office also conducts performance audits of individual corrections facilities.¹³² Although these audits are often concerned with general safety in the institutions, they appear to focus on management issues more so than on prison conditions and the treatment of prisoners, and rely heavily on reports and materials gathered from the DOC rather than on observations and prisoner interviews.¹³³ Nonetheless, it seems worth including this office in the chart above because of the frequency of its reporting on individual prison facilities.

It is worth noting that Michigan has begun an extensive quality assurance initiative regarding its correctional health care program. Because this is an internal accountability system for the DOC, we do not list it among the oversight entities in the chart, but we wanted to highlight the program because it is fairly unusual in its scope.

131. *See generally* Mich. Office of the Auditor Gen., <http://audgen.michigan.gov/> (last visited Jan. 28, 2010).

132. *Id.*

133. *See* Mich. Office of the Auditor Gen., http://audgen.michigan.gov/new_releases.htm (last visited Jan. 28, 2010).

The Department of Corrections (DOC) has oversight of the local jails in Michigan.

Michigan's designated protection and advocacy organization for persons with mental illness or disabilities is Michigan Protection & Advocacy Service, Inc. This P&A organization is unusually active when it comes to monitoring prison-related matters and warrants particular mention in the chart above.

Michigan Department of Corrections, County Jail Services Section

P.O. Box 30003

Lansing, MI 48909

(517) 335-1426

http://www.michigan.gov/corrections/0,1607,7-119-9741_49414-222849--,00.html

The County Jail Services Section of the Planning and Community Development Administration of the Michigan Department of Corrections is responsible for "inspecting and auditing county jails for compliance with state law and administrative rules and reviewing and providing technical assistance and consultation services to the jails."¹³⁴ The office also receives and re-

134. MICH. DEP'T OF CORR. POLICY DIRECTIVE: DEP'T ORG. AND RESPONSIBILITY 6 (2009), http://www.michigan.gov/documents/corrections/01_01_101_275804_7.pdf f.

views complaints from jail inmates. The office does not have authority to close a facility for non-compliance, but can submit a closure recommendation to the Attorney General.¹³⁵

Michigan Office of the Auditor General

*201 North Washington Square,
Sixth Floor Lansing, MI 48913
(517) 334-8050
<http://audgen.michigan.gov/>*

As part of its general responsibilities to conduct performance audits of executive branch agencies in the state, the Auditor General conducts regular independent evaluations of correctional facilities in Michigan, as well as assessments of various services and areas of operation, such as substance abuse treatment and prisoner transportation. The primary focus of these audits is efficiency and effectiveness, but some reports also examine conditions related to inmate safety. Staff review records and procedures of a facility as part of the audit, and make recommendations to which the agency must respond.¹³⁶

135. Authority to Close Jails, *supra* note 79, at 2.

136. MICH. OFFICE OF THE AUDITOR GEN., 2008 ANN. REPORT 14, <http://audgen.michigan.gov/annrpt/annrpt08.pdf>.

Michigan Protection & Advocacy Service, Inc.

*4095 Legacy Parkway, Suite 500
Lansing, MI 48911-4263
(517) 487-1755
<http://www.mpas.org/HomePage.asp>*

Michigan Protection & Advocacy Service, Inc. (MPAS) is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Michigan. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

MPAS has recently established an agreement with the Michigan Department of Corrections to monitor conditions for mentally ill patients housed in residential treatment units and administrative segregation. This oversight consists of access to the prisoner (much as a lawyer would have) and the area where the prisoner resides, and is usually initiated by a complaint by the inmate or on the inmate's behalf.¹³⁷ The office also filed a lawsuit on behalf of adolescent offenders with mental illness who are housed

137. Telephone Interview by William Vetter with Mark Cody, Counselor, Mich. Prot. & Advocacy Serv. (Mar. 30, 2006).

within the adult prison system.¹³⁸

138. Stacy Hickox, *Advocating for Youth with Disabilities in Michigan's Prisons*, EXCHANGE (Mich. Prot. & Advocacy Serv., Lansing, Mich.) (Spring 2007), at 11, <http://www.mpas.org/MPASFiles/Exchange%20Su07.pdf>.

MINNESOTA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Minnesota Department of Corrections, Facilities and Enforcement Office	X			X		X			X			X		X	

Minnesota does not have an agency or organization that provides oversight or monitoring of its state prison facilities.

Previously, there was an ombudsman that handled complaints about prisons, but that office was eliminated in 2003 for budgetary reasons. Media and organizations such as the ACLU have access to prisons at the discretion of the DOC. This access

can include a tour of the facilities.¹³⁹

The Department of Corrections (DOC) monitors local jails.

Minnesota's designated protection and advocacy organization for persons with mental illness or disabilities is the Minnesota Disability Law Center.

139. Telephone Interview by William Vetter with Minn. Dep't of Corr. Personnel (Mar. 21, 2006).

**Minnesota Department
of Corrections,
Facilities Inspection
and Enforcement Office**

*1450 Energy Park Drive, Suite
200
St. Paul, MN 55108
(651) 361-7147
[http://www.corr.state.mn.us/org/
communityserv/adminserv.htm](http://www.corr.state.mn.us/org/communityserv/adminserv.htm)*

The Minnesota Department of Corrections has oversight responsibilities for local jails. The Facilities Inspection and Enforcement office of the Administrative Services unit of the Community Services Division of the DOC is responsible for inspection and licensing of jails and lock-ups in the state.¹⁴⁰ By statute, a sheriff must inspect a lock-up in his county once per biennium, and file a report with the Commissioner.¹⁴¹ The Commissioner establishes the minimum standards to which the jails must conform.¹⁴² The Commissioner can close the facility when standards are not met.¹⁴³

**Minnesota Disability
Law Center**

*430 First Avenue North, Suite
300
Minneapolis, MN 55401-1780
(612) 332-1441
<http://www.mndlc.org/>*

Minnesota Disability Law Center is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Minnesota. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

140. Minn. Dep't of Corr., Admin. Servs., <http://www.doc.state.mn.us/org/communityserv/adminserv.htm> (last visited Jan. 30, 2009).

141. MINN. STAT. § 642.09 (2009).

142. *Id.* § 241.021.

143. *Id.*

MISSISSIPPI

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Joint Committee on Performance Evaluation and Expenditure Review	X				X	X		X				X		X	

While there is no formal external prison oversight body in Mississippi, the Legislative Joint Committee on Performance Evaluation and Expenditure Review (PEER) conducts performance evaluations of government agencies in Mississippi, including the Department of Corrections (DOC) and its facilities. These reviews of correctional matters go well beyond what is typical for general government performance audits and warrant the inclusion of this agency in the chart above.

There is no formal external jail oversight mechanism in the state.

Mississippi's designated protection and advocacy organization for persons with mental illness or disabilities is Disability Rights Mississippi, Inc.¹⁴⁴

144. Disability Rights Miss. Inc., Our Mission, http://www.disabilityrightsms.com/index.php?option=com_content&view=article&id=45&Itemid=109 (last visited Jan. 30, 2010).

**Joint Committee on
Performance
Evaluation and
Expenditure Review**

*P.O. Box 1204
Jackson, MS 39215-1204
(601) 359-1226
<http://www.peer.state.ms.us>*

PEER is a legislative committee made up of senators and house members; it has a full-time staff of auditors and it serves as the auditor of state agencies. The corrections auditor, Louwill Davis, conducts extensive evaluations and reviews, responds to complaints, and files reports with the legislature.¹⁴⁵ Prior to Mr. Davis's involvement, PEER reviewed the DOC strictly from a financial perspective. But now, DOC audits include extensive reviews of the state penitentiaries, unannounced visits (sometimes occurring at 2 a.m.), follow-ups on inquiries and complaints, and frequent reports. Because of the auditor's long-time service in the police force, he has connections within the prisons themselves, which allows him unique access to information. The unusual nature of these prison performance

evaluations in Mississippi is due primarily to this individual.¹⁴⁶

**Disability Rights
Mississippi, Inc.**

*5305 Executive Place
Jackson, MS 39206
(601) 981-8207
<http://www.disabilityrightsms.com/>*

Disability Rights Mississippi, Inc. is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Mississippi. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

145. Telephone Interview by William Vetter with Louwill Davis, Corr. Auditor, Miss. Joint Comm. on Performance Evaluation & Expenditure Review (Mar. 21, 2006).

146. *Id.*

MISSOURI

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Citizens Advisory Committee	X			X		X	X			X		X			X
Joint Legislative Committee on Corrections	X				X	X			X			X			X

In Missouri, oversight of state corrections facilities is primarily carried out by the Joint Legislative Committee on Corrections, which has inspection responsibilities. The Missouri DOC also uses a “Citizens Advisory Committee,” which reviews inmate grievances and makes regular site visits.¹⁴⁷

There is no formal external jail oversight mechanism in the state.

Missouri’s designated protection and advocacy organization for persons with mental illness or disabilities is Missouri Protection & Advocacy.

147. Mo. Dep’t of Corr., http://doc.mo.gov/division_adult.php (last visited Jan. 30, 2010).

Citizens Advisory Committee

*2729 Plaza Drive
P.O. Box 236
Jefferson City, MO 65102
(573) 751-2389
http://doc.mo.gov/division_adult.php*

This Committee is part of the DOC, and consists of thirteen private citizens appointed by the governor who serve for three years. Committee members consider significant inmate grievances referred by the DOC, visit facilities on a scheduled basis, and make recommendations to DOC administration.¹⁴⁸ If they find that the DOC has not adequately addressed an issue, they can refer it to the Department of Public Safety for further consideration.¹⁴⁹

Joint Legislative Committee on Corrections

*State Capitol, 201 West Capitol
Avenue
Jefferson City, MO 65101
<http://www.senate.mo.gov/06info/comm/statutory/jccr.htm>*

The Committee is tasked with oversight of state prisons, and includes legislators from both the House and Senate. These legislators are required to visit, at least once a year, all twenty-one of Missouri's state correctional facilities, to monitor conditions.¹⁵⁰ These visits are made unannounced in the six months when the Legislature is out of session. Legislators on the Committee will at times bring subject-matter experts on the tours with them or contract out certain review responsibilities, such as the best practices for accounting or medical procedures.¹⁵¹

The Committee also responds to inmate complaints throughout the year, and makes recommendations for legislative action. The Committee submits an annual report on its findings to the legislature.

148. *Id.*

149. State of Mo., Executive Order No. 86-27 (1986), http://www.sos.mo.gov/library/reference/orders/1986/eo1986_027.asp.

150. MO. REV. STAT. § 21.455 (2009).

151. Telephone Interview by William Vetter with Dani Moore, Representative, Mo. House of Representatives (Mar. 21, 2006).

**Missouri Protection &
Advocacy**

*925 South Country Club Drive
Jefferson City, MO 65109
(573) 893-3333
<http://www.moadvocacy.org/>*

Missouri Protection & Advocacy is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Missouri. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

MONTANA

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Corrections Advisory Council	X				X		X		X				X		X

We have identified no formal external prison oversight mechanism in Montana. However, there is a gubernatorial-appointed Corrections Advisory Council that is responsible for reviewing corrections policies and strategies, but is not focused on prison conditions. The Council has complete access to all state corrections facilities.

Montana does not have a formal external jail oversight entity.

Montana's designated protection and advocacy organization for persons with mental illness or

disabilities is Disability Rights Montana.

Corrections Advisory Council

<http://www.cor.mt.gov/Resources/CorAdvCouncil/default.mcp>

The Corrections Advisory Council was created by Executive Order in 2007. The Order expired in 2009, but is expected to be reinstated by the Governor.¹⁵²

152. Telephone Interview by Amanda Barstow with Bob Anez, Commc'ns Dir., Mont. Dep't of Corr. (Nov. 20, 2009).

The Council meets approximately every other month, usually at or near a state corrections facility, in order to allow for members to tour the facility. The members have full access to all units.¹⁵³

The Council comprises a variety of members who are appointed by the Governor. The membership includes Lieutenant Governor John Bohlinger (chairman of the council), a district attorney, district court judge, chief of police, district court administrator, county sheriff, victims' advocate, state senator, chief juvenile probation officer and a state representative.

The Council analyzes current corrections policies and makes recommendations on future needs within the corrections system, including the need for prison construction. The Council's recommendations focus on strategies to reduce incarceration and recidivism with an emphasis on the American Indian population in the justice system.¹⁵⁴ Other issues include reporting on prison lockdowns, current litigation, population projections, and staff recruitment.¹⁵⁵ The Council

seeks regular input from community-based organizations, local government officials, court personnel, law enforcement officials, and community members interested in the justice system or mental health and addictive behavior treatments.¹⁵⁶

Recommendations are presented to the Department of Corrections, the Governor, and the Legislature. The Council reports to the Governor and the Legislature at least once per year and recommends legislative changes.¹⁵⁷

Disability Rights Montana

*1022 Chestnut Street
Helena, MT 59601
(406) 449-2344
<http://www.disabilityrightsmt.org>*

Disability Rights Montana is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness,

31, 2006, held at Mont. State Prison in Deer Lodge, MT, <http://www.cor.mt.gov/content/Resources/CorAdvCouncil/Archive/January2006/Summary.pdf>.

156. Anez E-mail, *supra* note 149.

157. State of Mont., Office of the Governor, Executive Order—No.22-2007, <http://www.cor.mt.gov/content/Resources/CorAdvCouncil/2007executiveorder.pdf>. (last visited Feb. 4, 2010).

153. E-mail from Bob Anez, Commc'ns Dir., Mont. Dep't of Corr., to Ren Nance (Mar. 27, 2006) [hereinafter Anez E-mail].

154. *Id.*

155. Dep't of Corr. Advisory Council Meeting Minutes, January

including those in prisons and jails in Montana. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

NEBRASKA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Ombudsman for Corrections	X			X			X			X		X		X	
Nebraska Crime Commission, Jail Standards Division		X			X	X			X			X		X	X

Nebraska has a legislative Ombudsman agency that has a special division focused on corrections issues. The Ombudsman for Corrections receives complaints and conducts investigations into prison-related matters. The Ombudsman is independent of the Nebraska Department of Correctional Services (DCS), and does not have authority to mandate changes. Nevertheless, its past recommendations have

spurred reform in the delivery of prison medical care.¹⁵⁸

Nebraska also has a statutorily-created and independent agency, the Jail Standards Division of the Nebraska Crime Commission, which has oversight au-

158. Neb. Pub. Counsel, The Ombudsman, *The Thirty-First Annual Report of the Neb. Pub. Counsel* (2001), available at http://nebraskalegislature.gov/pdf/reports/public_counsel/03ombudsman_0503.pdf [hereinafter *Thirty-First Annual Report of the Neb. Pub. Counsel*].

thority of the county jails. Inspections may be conducted at any time, with each jail visited once a year. The Division also has the power to close jail facilities that do not comply with its recommendations for improvement.

Nebraska's designated protection and advocacy organization for persons with mental illness or disabilities is Nebraska Advocacy Services, Inc.

Nebraska Advocacy Services, Inc.

*The Center for Disability Rights,
Law and Advocacy
134 South 13th Street, Suite 600
Lincoln, NE 68508
(402) 474-3183
[http://www.nebraskaadvocacyser
vices.org/](http://www.nebraskaadvocacyser
vices.org/)*

Nebraska Advocacy Services, Inc. is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Nebraska. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Nebraska Crime Commission, Jail Standards Division

*301 Centennial Mall South
P.O. Box 94946
Lincoln, NE 68509-4946
(402) 471-2194
http://www.ncc.state.ne.us/crime_Commission/organization_and_functions/jail_standards.htm*

The Jail Standards Division of the statutorily-created Nebraska Crime Commission was established to implement and enforce mandatory minimum standards in both adult and juvenile county detention facilities. The Division is governed by an independent, 11-member Jail Standards Board, nine of whom are Governor appointees (including county commissioners, a sheriff and police chief, a juvenile detention administrator, a jail administrator, a Nebraska State Bar member, and two community members). The remaining two members, the state fire marshal and the director of the Department of Correctional Services (DCS), are mandated to serve by statute. The Board meets four times a year, but may also convene for emergency meetings.

The Division has legislative authority to visit and inspect jail facilities at any time, and generally visits each once a year, averaging twenty visits per

quarter. Staff submit reports on a variety of issues, including operational, structural, medical, and policy-related, and make recommendations to the Jail Standards Board. Each facility then has six months to either solve the problem or propose a solution. After six months, Division staff return to see if the issues of concern have been addressed and corrected. If the facility fails to comply with the recommendations, the Division has the power to pursue closure. Reportedly, 98% of the jails are in compliance.¹⁵⁹

Ombudsman-Office of the Public Counsel, Ombudsman for Corrections

*State Capitol Building, Room
807
P.O. Box 94604
Lincoln, NE 68509-4604
(402) 471-2035
<http://nebraskalegislature.gov/contact/ombud.php>*

The Ombudsman-Office of the Public Counsel is a statutorily-created legislative agency that responds to complaints about state government agencies, including those levied against the Department of Correctional Ser-

vices (DCS).¹⁶⁰ The office was established in 1969, became fully operational when it received funding in 1971, and added the legislatively-created position of Deputy Public Counsel for Corrections in 1976.¹⁶¹ Annually, the Public Counsel reports to the Legislature and the Governor on what the office has done (including agencies' responses to its findings), in addition to submitting any other reports the office produces. Annual Reports are also available on the agency's website.

Approximately 3,000 complaints are received per year, with roughly one-third of those related to corrections and the DCS.¹⁶² Inmate grievances include issues such as confinement conditions and abuse by staff; inmate appeals can be made to courts. The office not only reviews and investigates DCS employee and inmate grievances forwarded by the public, but also

160. NEB. REV. STAT. § 81-8, 245 (2009).

161. Neb. Pub. Counsel, The Ombudsman, *The Thirty-Sixth Annual Report of the Neb. Public Counsel* 12 (2006), http://nebraskalegislature.gov/pdf/reports/public_counsel/06ombudsman_0328.pdf.

162. Telephone Interview by Michelle Burman with Oscar Harriott, then-Deputy Pub. Counsel for Corr., Ombudsman-Office of the Pub. Counsel (Mar. 29, 2006) [hereinafter Harriott Interview].

159. Telephone Interview by Michelle Burman with Denny Macomber, Dir., Neb. Crime Comm'n, Jail Standards Div. (Mar. 21, 2006).

may initiate its own investigations. To complete its investigations, the office has access to inmates and administrative and correctional staff, is authorized to inspect the “premises . . . or property [of] any administrative agency as frequently as is necessary,”¹⁶³ and can issue subpoenas. However, it lacks the authority to enforce its recommendations; if the prison refuses to comply, the Public Counsel cannot mandate change, but must persuade DCS that the recommendations are fiscally responsible and intended to “improve state government.”¹⁶⁴

Enforcement, however, may occur indirectly, as report findings and recommendations can be the catalyst for amending statutes. For example, in 1998, the office was notified by a DCS doctor regarding the substandard quality of medical care afforded inmates. Upon concluding its investigation, the Public Counsel released a report in November 1999 chronicling the litany of problems in its delivery of medical services. Based on these findings, the Governor then assembled a task force comprised of several Nebraska doctors and chaired by a former Chief Justice of the Nebraska Supreme Court. The

task force interviewed correctional staff and inmates, and, in July 2000, its report affirmed the Public Counsel’s findings that the DCS medical care system was replete with “serious problems.”¹⁶⁵ By 2001, based on the task force’s recommendations, the Legislature passed a bill creating a Division of Medical Services within DCS, with the medical director reporting directly to the DCS Commissioner. DCS was also mandated to “meet a ‘community standard of care’” for inmates.¹⁶⁶

163. NEB. REV. STAT. § 81-8,245 (2009).

164. Harriott Interview, *supra* note 158.

165. *Thirty-First Annual Report of the Neb. Pub. Counsel*, *supra* note 154.

166. *Id.*

NEVADA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have not identified any formal external jail or prison oversight mechanisms in Nevada.

Nevada's designated protection and advocacy organization for persons with mental illness or disabilities is the Nevada Disability Advocacy & Law Center, Inc.

Nevada Disability Advocacy & Law Center

*6039 Eldora Avenue, Suite C,
Box 3
Las Vegas, NV 89146
(702) 257-8150,
(888) 349-3843
www.ndalc.org*

Nevada Disability Advocacy & Law Center is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Nevada. As part of the nation's protection and advocacy network, it has a right of access to all correctional

facilities in which persons with disabilities and mental illness are housed.

NEW HAMPSHIRE

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Citizens Advisory Committees	X				X		X			X			X		X

New Hampshire has no formal external prison oversight mechanism.¹⁶⁷ However, each prison facility has a Citizen's Advisory Committee to provide public input to the department on policy matters.¹⁶⁸ Members

of the advisory committee are proposed by the warden, approved by the Commissioner, and serve three-year terms.

Under former Commissioner Phil Stanley, who left the department in October 2003, the DOC held "limited public tours" of the state's prisons, believing that "[t]he public has a right to know how their taxes are used to operate the prison. They will have an opportunity to understand modern prison life and the programs that work to change offender behavior. We think this

167. E-mail from Jeffrey Lyons, Public Information Officer, N.H. Dep't of Corr., to Michelle Burman (Mar. 27, 2006).

168. N.H. DEPT OF CORR. POLICY & PROCEDURE DIRECTIVE, GEN. ADMIN. 1.44 (2005), <http://www.nh.gov/nhdod/documents/1-44.pdf>.

is information that is vital to the citizens of New Hampshire. . .”¹⁶⁹ The tours, which were scheduled every June between 2001 and 2003, offered the public an opportunity to talk with correctional officers, learn about the mission of each unit, and visit lower security housing and the industries areas. Citizens had no contact with prisoners. Waning public interest and an extremely low turnout at the later events prompted the decision to suspend the tours. Several hundred people reportedly participated in the first tour in 2001, but only “two or three” people attended in 2003.¹⁷⁰ The public tours may be reintroduced in the future, depending upon public interest.¹⁷¹

During the 2003 legislative session, policymakers introduced legislation to create a corrections ombudsman office that would be independent of the DOC, investigate complaints from DOC employees, inmates, and the public, make recommendations to the DOC, and report to the Governor

169. Press Release, N.H. Dep’t of Corr., N.H. State Prisons Schedules Public Tours (May 8, 2001), <http://www.nh.gov/nhdoc/news/2001/050801.html>.

170. Telephone Interview by Michelle Burman with Jeffrey Lyons, Pub. Info. Officer, N.H. Dep’t of Corr. (Mar. 29, 2006) [hereinafter Lyons Interview].

171. *Id.*

and the Legislature. Despite significant support, the legislation did not pass.¹⁷² The topic arose again during the 2006 session, precipitated by an increase in the “number of complaints filed and the excessive expense of settlements paid” in the previous few years, according to testimony from Rep. Anne-Marie Irwin.¹⁷³ An identical bill was filed and referred for an interim study in February 2006.¹⁷⁴ Again, the bill failed and no new legislation has been introduced since.

We have found no jail oversight mechanisms in New Hampshire.

New Hampshire’s designated protection and advocacy organization for persons with mental illness and disabilities is the Disabilities Rights Center.

172. Gen. Court H.B. 781, 2003 Sess., 158th Gen. Court (N.H. 2003), *available at* <http://www.gencourt.state.nh.us/legislation/2004/hb0781.html>.

173. 27 N.H. H. REC. 19 (Feb. 15, 2006), *available at* http://www.gencourt.state.nh.us/house/journals/journals/2006/houjou2006_19.html.

174. Lyons Interview, *supra* note 166. *See also* H.R. 1415-FN-A, 159th General Court, 2d. Year (N.H. 2006), *available at* <http://www.gencourt.state.nh.us/legislation/2006/HB1415.html>; 27 N.H. H. REC. 19, *supra* note 169.

Citizens Advisory Committees

<http://www.nh.gov/nhdoc/documents/1-44.pdf>

A citizens advisory committee is established for each prison facility in the state pursuant to an administrative policy directive. According to this directive, the committee for each facility consists of at least ten individuals with particular interests in prison-related matters. The group is intended to be diverse in experience and opinion, and the goal is to include members who come from various sectors of the lay community. Members are nominated by the warden and are approved by the Commissioner. Each committee is supposed to meet at least three times per year to consider various issues and to advise the DOC on various policies, actions, initiatives, programs, and public concerns, and help provide communication between the agency and the general public.¹⁷⁵

Disabilities Rights Center

*18 Low Avenue
Concord, NH 03301-4971
(603) 228-0432
(800) 834-1721
www.drcnh.org*

The Disabilities Rights Center is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in New Hampshire. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

175. N.H. DEP'T OF CORR., POLICY AND PROCEDURE DIRECTIVE, CITIZENS ADVISORY COMMITTEES (2005), <http://www.nh.gov/nhdoc/documents/1-44.pdf>.

NEW JERSEY

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
New Jersey Department of Corrections, Office of County Services		X			X	X			X			X		X	
Department of the Public Advocate-Office of Corrections Ombudsman	X			X			X			X	X			X	

The primary agency responsible for oversight of New Jersey prisons is the newly-restored Department of the Public Advocate, which houses the Office of Corrections Ombudsman. The Ombudsman is responsible for reviewing and investigating prisoner-related complaints and making recommendations to improve conditions and treatment. Similar to other state ombudsman offices, it does not have the power to mandate change in the institutions.

The New Jersey Department of Corrections has oversight of all county jails in the state. It, too, cannot enforce its recommendations or require that changes be made.

Another organization with an interest in monitoring New Jersey's prisons and jails is the non-profit, Quaker-based American Friends Service Committee (AFSC). The Prison Watch Project, one of AFSC's national criminal justice programs, moni-

tors prisoner abuse and torture, with a focus on the use of isolation and torture devices, and the long-lasting psychological effects of both on inmates. Although the AFSC does not qualify as a formal monitoring body for purposes of this report, its work is worth noting. Prison Watch collects personal stories of physical and psychological abuse from prisoners, their families, and correctional staff. Although project staff members are not formally recognized as “prison monitors,” and have no special status or legal right or responsibility to inspect prisons and their conditions, they do have access to prisons as regular visitors, who meet individually with the inmates behind the stories. If AFSC receives testimony from several prisoners alleging similar complaints, that is sufficient for the Project to classify the situation as problematic and deserving of scrutiny and monitoring. Reports are then compiled and submitted to the Human Rights Watch U.N. Committee on Torture.

AFSC is currently working on expanding the Prison Watch Project as a national model and creating a “National Oversight Campaign”; however, the organization does not anticipate its transformation into a formal body with rights to access facilities for the purpose of inspecting

and monitoring prison living conditions.¹⁷⁶

New Jersey’s designated protection and advocacy organization for disabled and mentally ill persons is Disability Rights New Jersey.

**Department of the
Public Advocate,
Division of Citizens
Relations, Office of
Corrections
Ombudsman**

*240 West State Street
Trenton, NJ 08625*

*Main Office: (609) 826-5090
Corrections Ombudsman: (609)
633-2596*

<http://www.state.nj.us/publicadvocate/citizens/inmates/>

After some time as a division of the New Jersey Department of Corrections (DOC), in 2006, the Office of the Ombudsman was transferred to the independent Department of the Public Advocate (PA), in the Division of Citizens Relations. It now operates as the Office of Corrections Ombudsman, and it functions independently of the DOC.

The PA was created legislatively in 1974 and was granted over-

176. Telephone Interview by Michelle Burman with Bonnie Kerness, Coordinator, Am. Friends Serv. Comm., Prison Watch Project (Mar. 21, 2006).

sight authority of other state agencies to impose accountability. The office was abolished in 1994, but was restored in 2006, following a shift in the political climate. The Public Advocate is appointed by the Governor, and reports directly to the Legislature.

In addition to the Corrections Ombudsman, four assistant ombudsmen review and investigate prisoner-related complaints.¹⁷⁷ Each assistant ombudsman is stationed at a different facility at least three or four days a week. A toll-free number is available and answered during regular business hours for those wishing to contact the main office directly.

Staff have full access to prisons at any time to investigate complaints, talk to correctional staff and inmates, monitor living conditions and treatment, and review policies and procedures to ensure compliance with federal and state codes, and the Civil Rights Act. The office lacks the authority to pursue closure of DOC facilities. Inmates are also encouraged to use the internal grievance process first and seek

“institutional remedies” before forwarding a complaint to the PA. However, the office will become involved immediately if the health or safety of inmates or correctional staff is in jeopardy, and staff may initiate their own investigations.¹⁷⁸

New Jersey Department of Corrections, Office of County Services

*Whittlesey Road
P.O. Box 863
Trenton, NJ 08625
(609) 292-4036
<http://www.state.nj.us/corrections/index.shtml>*

The New Jersey Department of Corrections (DOC), Office of County Services is responsible by statute for inspecting conditions at 22 jail facilities and 376 municipal detention facilities in the state.¹⁷⁹ Staff issue reports and make recommendations for improvement, and corrective action must be initiated within 60 days.¹⁸⁰ The DOC must re-

177. N.J. Dep’t of the Pub. Advocate, Office of the Corr. Ombudsman, <http://www.state.nj.us/publicadvocate/citizens/whatisthecorrectionsombudsman.html> (last visited Feb. 7, 2010).

178. Telephone Interview by Michelle Burman with Luis Silva, then-Corr. Ombudsman, Dep’t of the Pub. Advocate, Office of the Corr. Ombudsman (Mar. 30, 2006).

179. N.J. Dep’t of Corr., Div. of Programs and Cmty. Serv., Office of County Servs., <http://www.state.nj.us/corrections/structure/html/community.html#1>.

180. N.J. ADMIN. CODE § 10A:31-2.2 (2010).

inspect the facility to see if changes have been made, and have authority to enforce corrective action by ordered a county facility to cease admissions.¹⁸¹

Disability Rights New Jersey

*210 South Broad Street, Third Floor
Trenton, NJ 08608
(609) 292-9742
<http://www.drnj.org/>*

Disability Rights New Jersey is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in New Jersey. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

181. *Id.* § 10A:31-2.5.

NEW MEXICO

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

New Mexico does not currently have any formal external jail or prison oversight mechanisms. In 2008, however, key stakeholders in the state began considering the potential for developing a correctional oversight body, pursuant to legislation that created a Corrections Task Force and directed it to consider the oversight issue.¹⁸²

New Mexico's designated protection and advocacy organization for mentally ill or disabled per-

sons is Disability Rights New Mexico.

Disability Rights New Mexico

*1720 Louisiana Boulevard NE,
Suite 204*

Albuquerque, NM 87110

(505) 256-3100

<http://www.nmpanda.org/index2.html>

Disability Rights New Mexico is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in New Mexico. As part of

182. NM H.M. 72 (2007).

the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

NEW YORK

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Correctional Association of New York, Prison Visiting Project	X				X	X			X			X		X	X
New York City Board of Correction			X		X	X			X			X		X	
New York State Commission of Correction	X	X			X	X			X			X		X	

New York is one of the few states whose jails and prisons are monitored by more than one external agency. The New York State Commission of Correction, a permanent and independent government body, has enforcement power and oversight of all correctional facilities in the state (including state prisons in the

Department of Correctional Services (DOCS), the New York City Department of Correction (DOC), and county jails operated by local sheriff and county corrections departments). It is a regulatory agency with the authority not only to access the jails and prisons at any time, but also to subpoena witnesses and

pursue closure of a facility it considers unsafe or non-compliant with the established minimum standards.

The Correctional Association of New York (CA), a non-profit advocacy organization, also has access to correctional facilities. Pursuant to statutory authority, the CA's Prison Visiting Project organizes teams of citizen volunteers to conduct monthly visits to prison facilities and interview inmates and staff. The CA then submits a report with its recommendations to the Legislature and the Commissioner of the DOCS. However, the CA lacks the power to enforce its recommendations, and cannot sanction a facility for non-compliance.

Although the New York State Commission of Correction provides state-level oversight of the New York City jail system (the NYCDOC) along with all other jails in the state, the NYCDOC is also subjected to local oversight by an independent agency called the New York City Board of Correction. The Board of Correction sets minimum standards of care for all New York City jails and ensures compliance with those standards. At the city level, the Board's power and responsibilities parallel those of the Commission's; that is, it has the authority to make unannounced visits to inspect and monitor treatment and living

conditions, submit reports to the mayor and DOC, and has enforceable subpoena power.

For a brief window of a couple of years, the Prisoners Rights Project (PRP) of the Legal Aid Society, a non-profit legal advocacy organization, had monitoring responsibilities in the New York City jail system with regard to use of force issues. This monitoring authority arose as part of the settlement of the case of *Ingles v. Toro*,¹⁸³ and was an alternative to court oversight. PRP lawyers had access to the jails and the prisoners to ensure the implementation of, and compliance with, the DOC's revised use of force policies.¹⁸⁴ The settlement—and the PRP's formal monitoring authority—however, expired on November 1, 2009. The PRP continues to keep close tabs on this issue, as well as on other concerns about conditions of confinement in the jails, but no longer has extensive access to the facilities.¹⁸⁵

Another organization with an interest in monitoring New York's prisons and jails is the non-profit, Quaker-based Ameri-

183. 438 F. Supp. 2d 203 (S.D.N.Y. 2006).

184. Julia Preston, *New York Deal Restricts Force by Jail Guards*, N.Y. TIMES, Mar. 1, 2006, at A1.

185. E-mail from John Boston, Prisoner's Rights Project, to Michele Deitch, (Nov. 19, 2009).

can Friends Service Committee (AFSC). The AFSC branch based in New Jersey focuses on the New York and New Jersey Metropolitan Region. The Prison Watch Project, one of AFSC's national criminal justice programs, monitors prisoner abuse and torture, with a focus on the use of isolation and torture devices, and the long-lasting psychological effects of both on inmates. Although the AFSC does not qualify as a formal monitoring body for purposes of this report, due to its lack of access to facilities, its work is worth noting. Prison Watch collects personal stories of physical and psychological abuse from prisoners, their families, and correctional staff. Although project staff are not formally recognized as "prison monitors," and have no special status or legal right or responsibility to inspect prisons and their conditions, they do have access to prisons as regular visitors, who meet individually with the inmates behind the stories. If AFSC receives testimony from several prisoners alleging similar complaints, that is sufficient for the Project to classify the situation as problematic and deserving of scrutiny and monitoring. Reports are then compiled and submitted to the Human Rights Watch U.N. Committee on Torture.

The AFSC is currently working on expanding the Prison Watch

Project as a national model and creating a "National Oversight Campaign"; however, the organization does not anticipate its transformation into a formal body with rights to access facilities for the purpose of inspecting and monitoring prison living conditions.¹⁸⁶

New York's designated protection and advocacy organization for persons who are mentally ill or disabled is the New York State Commission on Quality of Care and Advocacy for Persons with Disabilities.

The Correctional Association of New York, Prison Visiting Project

*2090 Adam Clayton Powell Blvd.,
Suite 200
New York, NY 10027
(212) 254-5700
<http://www.correctionalassociation.org/PVP/index.htm>*

The Correctional Association of New York (CA), a non-profit criminal justice agency, was granted legislative authority in 1846 to inspect state prisons and submit reports to the Legislature and to the public on prison conditions. The Legislature,

186. Telephone Interview by Michelle Burman with Bonnie Kerness, Coordinator, Am. Friends Serv. Comm., Prison Watch Project (Mar. 21, 2006).

however, neither controls nor dictates the CA's agenda. The CA focuses on monitoring and inspecting facilities, reporting findings, developing policy, and increasing public awareness about prison conditions and policies, their effects on prisoners and correctional staff, and alternatives to incarceration.

As its name implies, the CA's Prison Visiting Project (PVP) is responsible for conducting prison visits to monitor confinement conditions. The Prison Visiting Committee, which includes Association staff and board members, correctional, medical, and mental health experts, former prisoners, and citizens—none of whom is appointed or selected by the Legislature—makes announced monthly visits to the state's male facilities, typically visiting one prison per month. (The Association's Women in Prison Project is the female counterpart to the PVP and monitors the female units.) The PVP has access to all areas of the prisons, and may speak with any inmate, including those who have not made a formal complaint or filed a grievance, and New York Department of Correctional Services (DOCS) staff. Conversations with inmates are not guaranteed the right of confidentiality; however, Committee members can usually talk to

them “out of earshot” of DOCS staff.¹⁸⁷

Staff issue both facility-specific reports and system-wide issue-focused reports, on topics such as health care, mental health, and disciplinary confinement.¹⁸⁸

DOCS is not required to provide a written response to PVP reports. Usually there is a conference call held after the PVP submits a draft report, and DOCS has the opportunity to request PVP to correct any errors in the report or to highlight any corrective actions that have been taken. The PVP then considers modifying the report based on the input they received from DOCS. However, the agency does not typically commit to taking any corrective action.¹⁸⁹

187. Corr. Assoc. of N.Y., Prison Visiting Project, *Lockdown New York: Disciplinary Confinement in New York State Prisons* 11 (Oct. 2003), <http://www.correctionalassociation.org/publications/reports.htm> (follow “Lockdown New York” hyperlink) (last visited Apr. 6, 2010).

188. Corr. Assoc. of N.Y., Prison Visiting Project, *List of Prison Monitoring Reports*, http://www.correctionalassociation.org/publications/reports.htm#PVP_monitoring (last visited Apr. 6, 2010).

189. Telephone Interview by Michele Deitch with Jack Beck, Director, Prison Visiting Project, Corr. Assoc. of N.Y. (Dec. 3, 2009).

Despite its inability to sanction prisons that choose not to comply with its recommendations, the PVP seeks to effect change through alternate means. For example, CA's June 2004 report, *Mental Health in the House of Corrections*,¹⁹⁰ was considered a catalyst not only for the drafting of new legislation on mental health in disciplinary segregation, but also for the Legislature's appropriating \$13 million to be divided between the Mental Health Department and DOCS.¹⁹¹ The PVP has been characterized as a unique blend of advocacy and oversight that promotes systemic change in criminal justice policy.

190. Corr. Assoc. of New York, *Mental Health in the House of Corrections: A Study of Mental Health Care in New York State Prison* (2004), http://www.correctionalassociation.com/publications/download/pvp/issue_reports/Mental-Health.pdf (last visited Apr. 6, 2010).

191. *Oversight, Accountability, and Other Issues—Beyond Government Oversight: Hearing Before the Comm'n on Safety and Abuse* 526 (Feb. 9, 2006) (statement of Jack Beck, Dir. of the Prison Visiting Project of the Corr. Assoc. of N.Y.), available at http://www.prisonCommission.org/transcripts/public_hearing_4_day_2_g_beyond_government_oversight.pdf.

New York City Board of Correction

*51 Chambers Street, Room 923
New York, NY 10007
(212) 788-7840
<http://www.ci.nyc.ny.us/html/boc/>*

The Board of Correction is an independent local agency with inspection and oversight authority for all New York City jails. The agency is responsible for setting standards and ensuring compliance with those standards regarding both conditions of confinement and medical and mental health services. The Board monitors conditions in the jails, investigates serious incidents, reviews inmate grievances, and assesses the performance of the New York City Department of Corrections (NYCDOC). Among the fourteen-person staff are six field representatives who are based on-site in the jails and who serve as the Board's "eyes and ears."

The Board of Correction was formally introduced into the New York City charter in 1957 as a nine-member board appointed by the mayor. (Members presently serve six-year terms, with three members appointed by the mayor, three by the city council, and three by the mayor "on the nomination jointly" by the state supreme court justices of the appellate division.)¹⁹²

192. N.Y. CITY CHARTER (as

Since its inception, it has been guided by the philosophy stated in its first report released in 1958: “An offender is sent to prison as a punishment and not for punishment.”¹⁹³

The Board has the authority to inspect and visit all New York City jails at any time, inspect all records and documents, establish minimum standards for the “care, custody, correction, treatment, supervision, and discipline”¹⁹⁴ of all inmates under DOC supervision, prepare and submit reports to the mayor and Commission of the DOC, establish grievance procedures for inmates, provide recommendations on programming, and evaluate the department’s performance. The Board was also granted enforceable subpoena power and the authority to “conduct hearings . . . or investigate any matter within the jurisdiction” of the DOC.¹⁹⁵

amended through July 2004), ch. 25, § 626(a) (2008).

193. N.Y. Corr. History Soc’y, *First Report of the Board of Correction of the City of New York*, <http://www.correctionhistory.org/html/chronicl/bdofcorr/1958rpt1.html> (last visited Nov. 18, 2009).

194. N.Y. CITY CHARTER, ch. 25, § 626.4(e).

195. *Id.* § 626.4(f).

New York State Commission of Correction

*80 Wolf Road, Fourth Floor,
Albany, NY 12205
(518) 485-2346
<http://www.scoc.state.ny.us/>*

The New York State Commission of Correction (not to be confused with the New York State Department of Correctional Services, which is also headed by a Commissioner) is a permanent and autonomous government body with enforcement power and oversight of all correctional facilities in the state (including state prisons in the Department of Correctional Services, the New York City Department of Correction, and county jails operated by local sheriffs and county corrections departments). Originally known as the NYS Commission of Prisons, it was created in 1895 to monitor conditions in all state prisons and correctional facilities.

The Commission has three full-time members, all of whom are appointed by the Governor with Senate approval: (1) a chairperson who serves as the head of the agency, (2) a member who serves as the head of the Medical Review Board, and (3) a member who serves as the head of the Citizen’s Policy and Complaint Review Council. It meets monthly to discuss proposed changes to regulations, variance requests, and results of investi-

gations, and it carries out its inspection responsibilities through field operations staff located around the state.

In addition to the Commission's authority to visit any facility in the state, staff members may also be placed as monitors in any facility if the Commission characterizes the jail or prison as an "imminent danger to the health, safety or security" of the inmates, staff or public. The Commission also has the power to close any jail or prison it deems unsafe, unsanitary, or non-compliant with the established minimum standards. The Commission may also issue subpoenas and "examine persons under oath" if the head of any facility refuses to grant the members access to the facility when requested.¹⁹⁶ The Commission conducts yearly "Minimum Standard Evaluations" of county jails, which entail prior notice to the jails on the areas under inspection.¹⁹⁷

Falling under the Commission's auspices are two separate Councils with their own membership, the Medical Review Board and the Citizen's Policy and Complaint Review Council, both described below.

196. N.Y. CORRECT. LAW § 46(2) (Consol. 2010).

197. E-mail from Ashoka Mukpo to Michele Deitch (Mar. 16, 2007).

Medical Review Board. Established by the Legislature in 1972, the Board investigates deaths and serious incidents in all correctional facilities and makes recommendations to improve medical and health care for inmates. The Board also responds to health care grievances. Its members meet quarterly.¹⁹⁸

Citizen's Policy and Complaint Review Council. This seven-person Council, whose members are appointed by the Governor with Senate approval, reviews inmate grievances that have not been successfully resolved at the facility level. Its mandate includes improving conditions in local correctional facilities, overseeing the complaints process, and advising the Commission. The Council meets once a month and was established to increase public participation in correctional oversight.¹⁹⁹

198. N.Y. State Comm'n on Corr., Med. Review Bd. and Citizen's Policy and Complaint Review Council, <http://www.scoc.state.ny.us/mrbcpccr.htm> (last visited Apr. 6, 2010).

199. *Id.*

**New York State
Commission on Quality
of Care and Advocacy
for Persons with
Disabilities**

*401 State Street
Schenectady, NY 12305-2397
(518) 388-1281
(800) 624-4143
www.cqcapd.state.ny.us*

The New York State Commission on Quality of Care and Advocacy for Persons is an independent state agency. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in New York. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

NORTH CAROLINA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
North Carolina Department of Health and Human Services, Division of Health Service Regulation, Jails and Detention Section		X			X	X			X				X	X	

We have not identified any formal external prison oversight mechanisms in North Carolina. All oversight is conducted internally, legislatively through laws and budget, or through litiga-

tion.²⁰⁰ The state does have monitoring responsibility for local jails, however, through the

200. Telephone Interview by Emily Sitton with Erica Greenberg, Attorney, N.C. Prisoner Legal Services, Inc., City of Raleigh, North Carolina (Mar. 23, 2006).

Department of Health and Human Services.

North Carolina's designated protection and advocacy organization for persons with mental illness or disabilities is Disability Rights North Carolina.

**North Carolina
Department of Health
and Human Services,
Division of Health
Service Regulation,
Jails and Detention
Section**

*2710 Mail Service Center
Raleigh, NC 27699-2710
(919) 855-3856
<http://facility-services.state.nc.us/jail/index.html>*

The Jail and Detention section "ensures compliance with North Carolina statutes and administrative rules through semianual inspections of all county, municipal, and regional jails throughout North Carolina. Also, the section provides technical assistance to local government and reviews plans for all major renovation and new jail construction projects."²⁰¹ The sec-

tion develops minimum operational standards, makes recommendations, and files reports with appropriate officials.²⁰² The statute does not appear to provide for any enforcement authority.

**Disability Rights North
Carolina**

*2626 Glenwood Avenue, Suite 550
Raleigh, NC 27608
(919) 856-2195
(877) 235-4210
<http://www.disabilityrightsn.org>*

Disability Rights North Carolina is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in North Carolina. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

201. N.C. Dep't of Health and Human Servs., Div. of Health Serv. Regulation, Jails and Detention Section, <http://www.dhhs.state.nc.us/dhsr/jail/index.html> (last visited Apr. 6,

2010).

202. N.C. GEN. STAT. § 153A-220 (2009).

NORTH DAKOTA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Department of Corrections and Rehabilitation, Training and County Facilities		X			X	X			X			X		X	
Office of the State Auditor	X				X			X				X		X	

We have not identified any formal external prison oversight mechanisms in North Dakota, beyond the general governmental auditing agency, which conducts performance and operational reviews of various state agencies. The Office of the State Auditor's last significant review of the Department of Corrections and Rehabilitation was in 2004, with follow-up work completed in 2008, so reviews are fairly infrequent, and for the

most part, these reviews are focused on issues of efficiency and cost-effectiveness rather than conditions and the treatment of prisoners.

County jail oversight is provided by the Department of Corrections (DOCR).²⁰³

203. Telephone Interview by Emily Sitton with Tim Schuetzle, then-Director, N.D. Dep't of Corr. (Mar. 23, 2006).

North Dakota's designated protection and advocacy organization for persons with mental illness or disabilities is the North Dakota Protection and Advocacy Project.

Department of Corrections and Rehabilitation, Training and County Facilities

*3100 Railroad Avenue
Bismarck, ND 58501
(701) 328-6390
<http://www.nd.gov/docr/county/inspections.html>*

By statute, DOCR must establish operational and inmate care standards for local jails. The agency must also appoint an inspector to inspect each facility annually for compliance. DOCR has the authority to close local facilities that are repeatedly out of compliance.²⁰⁴

North Dakota Protection and Advocacy Project

*400 East Broadway, Suite 409
Bismarck, ND 58501-4071
(701) 328-2950
<http://www.ndpanda.org/index.html>*

The North Dakota Protection and Advocacy Project is an independent state agency. It advocates for and protects the rights of people with disabilities and mental illness, including those in the prison system in North Dakota. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Office of the State Auditor

*600 East Boulevard
Bismarck, ND 58505-0060
(701) 328-2241
<http://www.state.nd.us/auditor/>*

The Office of the State Auditor completes performance and operational audits of various state organizations, including the Department of Corrections and Rehabilitation (DOCR).²⁰⁵

204. N.D. Cent. Code § 12-44.1-24, -25 (2009).

205. State of N.D. Office of the State Auditor, <http://www.state.nd.us/auditor/about.htm> (last visited Apr. 6, 2010).

A performance audit of the DOCR was completed in 2004, with a follow-up report issued in 2008. The report focused on issues such as overcrowding, medical services, the female facility, and treatment services.²⁰⁶

According to the report, the audit had two main goals: “Is management and the administrative structure of the DOCR effective?” and “Is the current placement of adult offenders providing for the most efficient and effective use of resources?”²⁰⁷

An operational audit of DOCR was conducted in 2007, but this audit focused almost exclusively on financial control issues.²⁰⁸

206. STATE OF N.D. OFFICE OF THE STATE AUDITOR, PERFORMANCE AUDIT REPORT OF THE DEP’T OF CORR. AND REHAB., REPORT NO. 3022 (Nov. 24, 2004), http://www.state.nd.us/auditor/reports/3022_04.pdf.

207. *Id.*

208. STATE OF N.D. OFFICE OF THE STATE AUDITOR, DEP’T OF CORR. AND REHAB., AUDIT REPORT FOR THE BIENNIUM ENDED JUNE 30, 2007, CLIENT CODE 530. REPORT NO. 3022 (Feb. 15, 2008), http://www.nd.gov/auditor/reports/530_07.pdf.

OHIO

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Correctional Institution Inspection Committee	X				X	X			X			X		X	
Department of Corrections and Rehabilitation, Bureau of Adult Detention		X			X	X			X			X		X	

Relative to other states, Ohio provides significant external oversight of its prisons. The state is home to the Correctional Institution Inspection Committee (CIIC), a legislatively-created oversight mechanism established in 1977. Based in the legislature, the CIIC is an unusual and important model of external prison oversight. It performs extensive monitoring of prisons and juvenile facilities in Ohio, and publicly reports the findings of its inspections. For

instance, a 2009 inspection of a particular prison facility yielded a ninety-nine page report, which covered virtually every aspect of prisoner life at the facility, including meals, health care, assaults, sanitation, idleness, and programs, among other topics, and based its findings in part on prisoner interviews, surveys, and observations.²⁰⁹

209. Corr. Insts. Inspection

Ohio also has a court-appointed monitor, Fred Cohen, who monitors prison medical and dental services. Originally, Cohen was appointed to monitor and report on the status of mental health care in the Ohio Prison system following the decision in *Dunn v. Voinovich*.²¹⁰ In 2000, he completed five years as a court-appointed monitor.²¹¹ More recently, however, Cohen was appointed as a court monitor for prison medical and dental services in the case of *Fussell v. Wilkinson* (2005).²¹²

Local jails are inspected by the Ohio Department of Correction and Rehabilitation's Bureau of Adult Detention.

Ohio's designated protection and advocacy organization for persons with mental illness or disabilities is the Ohio Legal Rights Service.

Comm., Report: Inspection and Evaluation of the Lorain Correctional Institution (Oct. 8, 2009), <http://www.ciic.state.oh.us/reports/lci1009.pdf>.

210. *Dunn v. Voinovich*, No. Cl-93-0166 (S.D. Ohio 1995).

211. PBS Frontline, *The New Asylums*, Interviews: Fred Cohen, <http://www.pbs.org/wgbh/pages/frontline/shows/asylums/interviews/cohen.html> (last visited Apr. 6, 2010).

212. Ohio Justice and Policy Ctr., *Fussell Settlement* (Mar. 10, 2005), <http://www.ohiojpc.org/text/litigation/fussellsettlement.pdf>.

Correctional Institution Inspection Committee (CIIC)

*77 South High Street,
Columbus, OH 43215
(614) 466-6649
<http://www.ciic.state.oh.us/>*

The CIIC was originally established through the enactments of Sections 103.71 to 103.74 of the Ohio Revised Code in 1977. A lack of funding resulted in the office's closure in 2001, but funding was restored and the office re-opened in 2003.²¹³ It is a Committee of the Ohio legislature with four members of the Ohio Senate and four members of the House, appointed by the President of the Senate and the Speaker of the House of Representatives, and it has a full-time professional staff.²¹⁴ Both political parties are equally represented among the Committee members.²¹⁵ According to its statutory charge, the CIIC is responsible for: establishing and maintaining a continuing program of inspection of each state correctional institution (for both adults and juveniles); inspecting each institution each biennium

213. See generally Shirley Pope, *The Work of the Correctional Institution Inspection Committee: Reflections and Analysis* (Apr. 20, 2006), <http://www.ciic.state.oh.us/reports/randa3-16-06.pdf>.

214. OHIO REV. CODE ANN. § 103.71 (LexisNexis 2010).

215. *Id.*

without being required to give advance notice of or make arrangements before an inspection; evaluating and assisting in the development of programs to improve the condition and operation of correctional institutions; conducting evaluations of the inmate grievance procedure at each institution; and reporting its findings to the General Assembly.²¹⁶ The CIIC monitors both public and private institutions. Additionally, the CIIC has the authority to monitor local jails as well, but limited resources have made this a low priority for the committee, and jail inspections are rarely conducted.²¹⁷

The committee informs both the legislature and the public of what is transpiring within the state's prison system. The inspections include on-site visits, and the staff investigates nearly every aspect of Ohio prisons. They also have access to data on discipline issues, education/vocational program attendance, medical issues, and grievances, as well as data on inmate assaults, which they analyze to identify trends. The staff also welcomes communication directly from inmates. This communication is documented and made available to the public through

hearings that the committee conducts and the reports it issues. In these hearings, the Committee takes public testimony as well.²¹⁸

Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention

*1030 Alum Creek Drive
Columbus, Ohio 43209
(614) 752-1066
<http://www.drc.state.oh.us/web/bad.htm>*

The Ohio Department of Rehabilitation and Correction's Bureau of Adult Detention monitors local jails in Ohio for compliance with the agency's "Minimum Standards for Jails in Ohio." The Bureau also provides technical assistance to jails. Staff conduct on-site, scheduled inspections, with full access to facilities and records, to determine whether or not a jail should be certified. Since 2005, the Bureau's annual inspections have emphasized "quality of life" evaluations for each jail being inspected, and also have stressed the provision of re-entry services.²¹⁹

218. See generally Pope, *supra* note 209, at 14-15.

219. BEIGHTLER ET AL., OHIO JAIL ADMINISTRATOR'S HANDBOOK 92 (2d ed. 2008), available at <http://www.drc.state.oh.us/web/Jail>

216. *Id.* § 103.73.

217. Pope, *supra* note 209, at 14-15.

Ohio Legal Rights Service

*50 West Broad Street, Suite 1400
Columbus, OH 43215-5923
(614) 466-7264
<http://olrs.ohio.gov/ASP/HomePage.asp>*

The Ohio Legal Rights Service is a non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Ohio. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed. One of the organization's priorities is representing persons with disabilities who complain of discrimination or lack of accommodations in correctional facilities.²²⁰

AdministratorHandbook.pdf.

220. OHIO LEGAL RIGHTS SERV., AGENCY PRIORITIES: PROGRAMMATIC PRIORITIES FOR FEDERAL FISCAL YEAR (FFY) 2010, *available at* <http://olrs.ohio.gov/ASP/agencypriorities.asp>.

OKLAHOMA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Oklahoma State Department of Health, Jail Inspection Division		X			X	X			X			X		X	

We have not identified any formal external prison oversight mechanisms in Oklahoma. However, the Department of Corrections is responsible for monitoring all private prison facilities in Oklahoma, as well as any county jail with which it contracts for bed space. The primary focus of these inspections is on contract monitoring, and the unit is also responsible for procuring and developing these contracts. Because the focus is monitoring implementa-

tion of its own contracts, we have decided not to include this as an independent oversight body in the chart above.

Local jails in Oklahoma are monitored by a division of the Oklahoma State Department of Health.

Oklahoma's designated protection and advocacy organization for persons with mental illness or disabilities is the Oklahoma Disability Law Center, Inc.

Oklahoma Disability Law Center, Inc.

*2915 Classen Blvd.
300 Cameron Building
Oklahoma City, OK 73106
(405) 525-7755
http://home.flash.net/~odlcokc/in_dextxt.html*

The Oklahoma Disability Law Center, Inc. is a federally funded non-profit advocacy organization. It advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Oklahoma. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Oklahoma State Department of Health, Jail Inspection Division

*1000 NE 10th Street
Oklahoma City, OK 73117
(405) 271-5600
http://www.ok.gov/health/Protective_Health/Jail_Inspection_Division/*

The Oklahoma Department of Health is responsible for creating jail standards and inspecting jails to make sure that they live up to those standards.²²¹ The Jail Inspection Division employs

three jail inspectors to make quarterly unannounced inspections to all county and city jails in Oklahoma. If a violation of standards is found, the noncompliant facility has ten days to reply to a citation, and sixty days to return to compliance. If a facility is noncompliant after this period, the health commissioner can request that the Attorney General order the facility to close. This policy has resulted in the construction of new facilities to replace aged structures.²²²

²²¹ OKLA. ADMIN. CODE § 310:670 (2008).

²²² Telephone Interview by William Vetter with Okla. State Dep't of Health, Office of Jail Inspections (Mar. 22, 2007).

OREGON

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Oregon Department of Corrections—Community Corrections		X			X	X			X			X		X	
Multnomah County Corrections Grand Jury			X		X	X			X				X		X

We have not identified any formal prison oversight mechanisms in Oregon. There are no boards or inspectors external to the Department of Corrections, according to agency staff.²²³

However, county jails are subject to oversight from the Oregon Department of Corrections, which is statutorily authorized to inspect and report on local jail conditions.

Also, in the only example of this form of local jail oversight that we have found anywhere in the country, the Multnomah County (Portland) District Attorney convenes a grand jury each year to

223. Telephone Interview by Emily Sitton with Perrin P. Damon, Communications Manager, Or. Dep't of Corr. (Mar. 17, 2006).

examine jail conditions in that county.²²⁴

Oregon's designated protection and advocacy organization for persons with mental illness or disabilities is Disability Rights Oregon.

Disability Rights Oregon

*620 SW 5th Avenue, Suite 500
Portland, OR 97204-1420
(503) 243-2081
<http://www.disabilityrightsoregon.org/>*

Disability Rights Oregon is a non-profit advocacy organization that advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Oregon. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Oregon Department of Corrections— Community Corrections

*2575 Center Street NE
Salem, OR 97301-4667
(503) 945-9050
<http://www.oregon.gov/DOC/TRANS/CC/jails.shtml>*

The Oregon Department of Corrections' Community Corrections Division is statutorily charged, among other things, with oversight of the jails in the state to ensure they are in compliance with applicable standards.²²⁵ If a jail is not in compliance, Community Corrections is required to report this non-compliance in writing to the proper local authorities.²²⁶

224. E-mail from John Connors, Director, Metro. Pub. Defender, to Emily Sitton (Mar. 23, 2006).

225. Or. Dep't of Corr., DOC Cmty. Corr. Div., Jail Inspections, *available at* <http://www.oregon.gov/DOC/TRANS/CC/jails.shtml>. (last visited Apr. 6, 2010).

226. OR. REV. STAT. § 169.080 (2007).

Multnomah County Corrections Grand Jury

Michael D. Schrunk, District Attorney

*1021 S.W. Fourth Avenue, Room
600*

Portland, OR 97204

(503) 988-3162

<http://www.co.multnomah.or.us/da/index.php>

Every year, the Multnomah County District Attorney has one of his senior deputies convene a special grand jury. The grand jury examines conditions in the county's jail facilities. It examines conditions through testimony from well over 100 witnesses, including judges, defense lawyers, and jail staff. The process lasts about two months and results in the publication of a detailed report of its findings at the end of the process. Recently, the grand jury has focused on concerns about classification, the treatment of the mentally ill, work release programs, and staffing issues.²²⁷

227. 2008 CORRECTIONS GRAND JURY REPORT, *available at* <http://www.co.multnomah.or.us/da/articles/corrgj2008.pdf>.

PENNSYLVANIA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
County Prison Boards			X		X	X			X			X			X
Pennsylvania Department of Corrections, Office of County Inspection & Services		X			X	X			X			X		X	
Pennsylvania Prison Society	X	X		X	X		X		X			X			X

The state of Pennsylvania has some interesting and well-established prison and jail oversight mechanisms. The Pennsylvania Prison Society is one of only a handful of advocacy groups in the nation with formal oversight responsibilities for the states' prisons and jails.

As for jail oversight, each county classed as "level 2" is statutorily mandated to establish prison boards that monitor conditions

in county prisons (local jails are referred to as "county prisons" in Pennsylvania). Further, the Office of County Inspection & Services within the Pennsylvania Department of Corrections inspects all county prisons and handles complaints about these facilities.

Pennsylvania's designated protection and advocacy organization for persons with mental illness or disabilities is Disabili-

ty Rights Network of Pennsylvania.

County Prison Boards

Various counties in Pennsylvania have county prison boards, including Bucks County and Allegheny County:

Prison Oversight Board for Bucks County

*Commissioner Sandra Miller
County of Bucks, Office of
Commissioners
55 East Court Street
Doylestown, PA 18901
(215) 348-6425
www.buckscounty.org*

Allegheny County Jail Oversight Board

*Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219
(412) 350-2100
<http://www.county.allegheny.pa.us/boards/index.asp?Board=167>*

County Prison Boards are responsible for hiring and supervising prison wardens and determining staffing levels. In their supervisory role, they have access to the local prisons to review operations and management, and the safekeeping of inmates.²²⁸ By Pennsylvania

228. Interview by William Vetter with Brinda Penyak, County

statute, a board must consist of the county chief executive, two judges, sheriff, controller, city council member, and three citizen members.²²⁹ The board must make semiannual unannounced inspections of the local prisons to ensure that they are in compliance with county and state regulations. Board members have access to prisoners as well as corrections staff during these visits. The board must then file a publicly available report. It also has the authority to investigate issues separate from its inspections.²³⁰ In “home-rule” counties, the boards are organized such that they are under prison wardens, rather than their supervisors.²³¹

Comm’rs Ass’n (July 17, 2006).

229. 1999 Pa. Laws 36. *See also Bucks County Prison Oversight Board Conducts Annual Organization Meeting* (Jan. 8, 2009), available at <http://www.buckscounty.org/news/2009/2009-01-08-PrisonOversightBoard.aspx> (last visited Nov. 21, 2009).

230. *Id.*

231. Interview by William Vetter with Warden Craig Lowe, Pike County Corr. Facility, Pa. (July 26, 2006).

Pennsylvania Department of Corrections, Office of County Inspection & Services

*2520 Lisburn Road
P.O. Box 598
Camp Hill, PA 17001-0598
(717) 975-4859
<http://www.cor.state.pa.us/portal/site/default.asp>*

By statute,²³² the Pennsylvania Department of Corrections' Office of County Inspection & Services conducts inspections and follow-up inspections of all county prisons to monitor compliance with Pennsylvania statutes, DOC regulations, and ACA standards. The inspections include a review of appropriate records, documents, and logs; an evaluation of policies and procedures at the facility; interviews with inmates, staff, and administrators to identify concerns; and a physical tour to assess conditions. The Office also handles complaints associated with county prison operations.²³³

Inspectors submit a report to each jail regarding their findings and their assessment of the facility's compliance with stan-

dards. Follow-up inspections are conducted to see if corrective action has been taken, but the agency does not have enforcement authority. The Office also provides technical assistance to county prison officials.²³⁴

Pennsylvania Prison Society

*245 North Broad Street, Suite 300
Philadelphia, PA 19107
(215) 564-6005
www.prisonsociety.org*

The Pennsylvania Prison Society is a 218-year-old independent organization, funded both publicly and privately to monitor corrections facilities in Pennsylvania. The organization is made up of over 1,000 members across the state, totaling 43 chapters. Membership in the society can be obtained by paying membership dues, and is not limited to a particular group of people.

The Pennsylvania Prison Society, by Act of the Pennsylvania General Assembly, can access the prison facilities. Through the organization's "Official Visitor" program, member volunteers (designated as official visitors) are allowed to visit the facilities and inmates to observe and report any abuse or misconduct and to assist the prisoners

^{232.} 37 PA. CODE § 95.220(b)(1) (2010).

^{233.} Pa. Dep't of Corr., http://www.cor.state.pa.us/portal/server.pt/community/department_of_corrections/4604 (last visited Jan. 28, 2010).

^{234.} *Id.*

with a variety of issues.²³⁵ More than 450 volunteers make roughly 5,000 visits to state and county prisons throughout the state each year.²³⁶ Official visitors usually visit in response to a prisoner complaint. The actual number of site visits is determined by each chapter of the PPS.²³⁷ The organization has been providing these official visits to prisoners since 1787.

While the primary function of the organization is to promote the development of policies that will improve prison conditions and programs available to inmates, the organization's mission is broader than many other prisoners' rights groups. PPS helps prisoners and their families with visitation, services and intervention. Other goals of the society are to advocate for progressive criminal justice legislation, to reduce the use of incarceration as punishment, to educate the public to further promote correctional reform, and to encourage corrections professionals to remain informed about innovations in the field. The organization's current focus

is to reduce the prison population, and to evaluate the impact of mandatory sentencing.

Disability Rights Network of Pennsylvania

*1414 North Cameron Street,
Suite C
Harrisburg, PA 17103
(717) 236-8110
<http://drnpa.org/>*

Disability Rights Network of Pennsylvania is a non-profit advocacy organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state and local prisons in Pennsylvania. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

235. Pennsylvania Prison Society, <http://www.prisonersociety.org/adv/ov.shtml> (last visited Nov. 21, 2009).

236. *Id.*

237. Interview by William Vetter with Catherine Wise, Pa. Prison Soc'y Dir. of Comm'ns and Dev., (July 17, 2006).

RHODE ISLAND

Organization	Facility			Oversight Function		Monitoring		Issues Covered			Access		Inspectors		
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have not identified any formal external jail or prison oversight mechanisms in Rhode Island.²³⁸ Rhode Island has a unified corrections system in which both prisons and jails are managed at the state level by a single agency. There is a legislative board that meets only when the inmate population reaches a certain level; its focus

is overcrowding and where to move the inmates, rather than on prison conditions and the treatment of prisoners.²³⁹

Rhode Island's designated protection and advocacy organization for persons with mental illness or disabilities is the Rhode Island Disability Law Center.

238. Telephone interview by Emily Sitton with A.T. Wall, Director, Rhode Island Dep't of Corr. (Mar. 20, 2006).

239. *Id.*

**Rhode Island Disability
Law Center**

*275 Westminster Street, Suite 401
Providence, RI 02903-3434
(401) 831-3150
<http://www.ridlc.org/>*

The Rhode Island Disability Law Center is a non-profit law office that advocates for and protects the rights of people with disabilities and mental illness, including those in prisons and jails in Rhode Island. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

SOUTH CAROLINA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Department of Corrections, Division of Inspections and Operational Review		X		X		X			X			X		X	

We have not identified any formal external prison oversight mechanisms in South Carolina. A legislative task force was created to look at prison conditions in 2002-03, but there has

been no regular form of prison oversight since then.²⁴⁰

However, jail oversight is provided by the South Carolina Department of Corrections, which

²⁴⁰ Telephone interview by William Vetter with Rep. Eva Brumfeld (Aug. 11, 2006).

is charged by statute with monitoring conditions in local jails.²⁴¹ Furthermore, the state's jail standards require each local jail facility to arrange for an annual visit by county officials so they can examine the jail's condition, the treatment of inmates, and available programs.²⁴²

South Carolina's designated protection and advocacy organization for persons with mental illness or disabilities is Protection Advocacy for People with Disabilities, Inc.

Department of Corrections, Division of Inspections and Operational Review

*P. O. Box 21787
4444 Broad River Road
Columbia, SC 29210
(803) 896-8502
<http://www.doc.sc.gov/>*

The Inspections and Operational Review Division of the Department of Corrections is statutorily authorized to inspect local

jails to ensure compliance with minimum standards set by South Carolina Association of Counties and relating to safety, health, and sanitation conditions.²⁴³ Inspectors must visit each facility once per year. Inspectors include representatives from the Department of Health and Environmental Control and the state fire marshal. The resulting reports are given to the governing authority of the facility, the Director of the Department of Corrections, and relevant local authorities. Non-compliant facilities must develop a plan within ninety days to address the shortcomings listed in the report. The Corrections director may close any facility that does not develop a corrective plan within ninety days.²⁴⁴

Protection Advocacy for People with Disabilities, Inc.

*3710 Landmark Drive, Suite 208
Columbia, SC 29204
(803) 782-0639
<http://www.pandasc.org/>*

Protection Advocacy for People with Disabilities, Inc. is a private non-profit advocacy organization that advocates for and protects the rights of people with disabilities and mental illness,

241. The Department monitors its own state prisons as well, though we do not consider this a form of external prison oversight for purposes of this report.

242. Minimum Standards for Local Detention Facilities in South Carolina (2006), available at http://www.sccounties.org/client_resources/publications/JailStandards06.pdf.

243. S.C. CODE ANN. §§ 24-9-10 through -50.

244. *Id.*

including those in state prisons and local jails in South Carolina. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

SOUTH DAKOTA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have not identified any formal external prison or jail oversight mechanisms in South Dakota.

South Dakota's designated protection and advocacy organization for persons with mental illness or disabilities is South Dakota Advocacy Services.

South Dakota Advocacy Services

*221 South Central Avenue
Pierre, SD 57501
(605) 224-8294
<http://www.sdadvocacy.com>*

South Dakota Advocacy Services is a private non-profit advocacy organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in South Dakota. As part of the nation's

protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

TENNESSEE

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Tennessee Corrections Institute		X		X		X			X			X		X	

We identified no external prison oversight mechanisms in Tennessee except for a legislative Select Oversight Committee on Corrections²⁴⁵ that primarily reviews capital expenditures on prison construction projects and various prison programs, but

245. Tennessee General Assembly, Joint Committee Corrections Oversight, <http://www.capitol.tn.gov/joint/committees/corrections.html> (last visited Nov. 21, 2009).

that does not appear to have inspection responsibilities.²⁴⁶

246. A description of this select committee's work can be found in a 2002 report prepared by the state comptroller. TENNESSEE COMPTROLLER OF THE TREASURY, DIVISION OF STATE AUDIT, REPORT ON THE SELECT OVERSIGHT COMMITTEE ON CORRECTIONS (Jan. 2002), *available at* <http://www.comptroller1.state.tn.us/repository/SA/pa02016.pdf>.

Jail oversight is provided by the Tennessee Corrections Institute, a state agency.

Tennessee's designated protection and advocacy organization for persons with mental illness or disabilities is Disability Law & Advocacy Center of Tennessee.

Tennessee Corrections Institute

*8th Floor, Andrew Jackson Bldg.
500 Deaderick St.
Nashville, TN 37242-0001
(615) 741-3816
[no website]*

The Tennessee Corrections Institute is an independent state agency with oversight responsibility for local jails. By statute, "the Tennessee Corrections Institute is required to establish minimum standards for local jails, lock-ups, workhouses and detention facilities in the state, and conduct an annual inspection of each facility."²⁴⁷ The institute must visit each facility annually, and publish the results of inspections. The Institute has the authority to decertify non-compliant facilities.²⁴⁸

Disability Law & Advocacy Center of Tennessee

*2416 21st Avenue South,
Suite 100
Nashville, TN 37212
(615) 298-1080
<http://www.dlactn.org/>*

Disability Law & Advocacy Center of Tennessee is a private non-profit advocacy organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in Tennessee. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

247. Rules of the Tennessee Corrections Institute: Correctional Facilities Inspection, <http://state.tn.us/sos/rules/1400/1400-01.pdf>

248. 03 Op. Tenn. Att'y Gen. 101 (Aug. 19, 2003).

TEXAS

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
PREA Ombudsman, TDCJ	X			X			X				X	X		X	
Texas Commission on Jail Standards		X			X	X			X			X		X	

Texas does not have an external inspection or monitoring body for its prisons. Jail oversight is provided by the Texas Commission on Jail Standards, an independent regulatory body that establishes minimum standards for municipal and county jail facilities and that routinely inspects local jail facilities to determine compliance with the standards.

The Texas Department of Criminal Justice (TDCJ) has an Office of the Inspector General (OIG) that investigates criminal activity by inmates and staff, including allegations of excessive or unnecessary use of force, serious staff misconduct, and harassment and retaliation against inmates for use of the legal system.²⁴⁹ Although the OIG is not

249. Texas Department of

a separate agency, it has a measure of independence in that it reports directly to the Texas Board of Criminal Justice, the agency's governing board, rather than to the director of the agency. There is also an independent office called the Special Prosecution Unit that serves as the District Attorney for TDCJ, prosecuting crimes committed within the prison by staff or inmates.²⁵⁰ Both these entities are worth highlighting for their contributions to the safety of the prison facilities, but neither constitutes an inspection or monitoring body and neither is focused on prison conditions.

A new position was created by the legislature in 2007 that does provide some oversight with regard to sexual assault issues in prison.²⁵¹ In the wake of the Prison Rape Elimination Act (PREA), Texas appointed an Ombudsman for Sexual Assault for TDCJ. The office—called the PREA Ombudsman—became operational in 2009, and has a staff of three. The PREA Om-

budsman will report yearly to the Governor and will make quarterly reports to the Board of Criminal Justice regarding the office's activities and statistics about the incidence of sexual assault in Texas prisons. The office is still in the process of determining its role with regard to monitoring and investigation of sexual assault concerns. The Ombudsman has been placed within the Office of the Inspector General, for purposes of organizational structure.²⁵²

Similarly, important changes to prison operations are brought about by the work of the Texas Sunset Advisory Commission, a twelve-member appointed group of legislators and public members, which conducts performance audits on every state agency every several years to determine whether the agency should be reauthorized by the legislature.²⁵³ Every seven years, the Commission conducts a major review of TDCJ and looks for areas where change would be most beneficial, especially when it comes to cost-effectiveness and outcomes. The

Criminal Justice, Office of the Inspector General,
http://www.tdcj.state.tx.us/inspector_general/inspector.gnl-home.htm
 (last visited Nov. 22, 2009).

250. Telephone Interview by William Vetter with Gina DeBottis, Special Prosecution Unit (July 19, 2006).

251. TEXAS CODE ANN. §§ 501.172-176 (2007).

252. Telephone Interview by Michele Deitch with Ralph Bales, TDCJ Ombudsman for Sexual Assault (Sept. 30, 2009).

253. Texas Sunset Advisory Commission, Guide to the Sunset Process, December 2009, <http://www.sunset.state.tx.us> (last visited Nov. 23, 2009).

Commission then files a report to the Legislature with recommendations for changes, and drafts a bill to address these changes that is filed in the next legislative session. The Sunset Commission is not considered to be an oversight body and does not conduct prison inspections, but does have the opportunity to draw attention periodically to areas of concern about prison operations.

Texas also has a Criminal Justice Legislative Oversight Committee. The committee holds rare but periodic hearings on matters of particular concern with regard to TDCJ. However, its focus appears to be oriented to management issues, such as security, cost, and population pressures, rather than on conditions issues, and the committee does not have an inspection role.

Texas's designated protection and advocacy organization for persons with mental illness or disabilities is Advocacy, Inc.

Advocacy, Inc.

*7800 Shoal Creek Boulevard,
Suite 171-E
Austin, TX 78757-1024
(512) 454-4816
www.advocacyinc.org*

Advocacy, Inc. is a private non-profit advocacy organization that advocates for and protects the rights of people with disabilities and mental illness, including

those in state prisons and local jails in Texas. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Advocacy's services include monitoring and commenting on state agency policies, regulations, and legislative activities, including those related to corrections matters. Staff regularly visit juvenile justice facilities, and in 2005 the staff successfully sued to enforce their right of access to the Harris County (Houston) Jail to examine the jail's mental health units.²⁵⁴

PREA Ombudsman, TDCJ

*Office of the Inspector General
P.O. Box 99
Huntsville, TX 77342-0099
(936) 437-2133
<http://www.tdcj.state.tx.us/inspector.general/inspector.gnl-home.htm>
prea.ombudsman@tdcj.tx.us*

The Ombudsman for Sexual Assault in TDCJ is a new position created by the legislature in 2007, and was not staffed until 2009. According to the authorizing statute, the Ombudsman is required to monitor department

254. Advocacy, Inc., 2006 Annual Report, at 14, http://www.advocacyinc.org/annual_reports/2006-annual.pdf.

policies with regard to sexual assault; oversee investigation and ensure resolution of sexual assault complaints; collect statistics about sexual assault allegations; and report both publicly and to designated officials about sexual assault allegations and the result of investigations and disciplinary actions.²⁵⁵ The office is still in a state of development, and its specific strategies for carrying out these responsibilities are still being determined.²⁵⁶ The office has three staff members, and there are also “safe prison coordinators” based at each prison facility with whom the office collaborates.

The Ombudsman is based in the Office of the Inspector General (OIG) and is required to report annually to the Governor and quarterly to the Texas Board of Criminal Justice (TBCJ), the governing board of the state’s criminal justice agency.

255. TEXAS CODE ANN. §§ 501.172-176 (2007).

256. Telephone Interview by Michele Deitch with Ralph Bales, TDCJ Ombudsman for Sexual Assault (Sept. 30, 2009).

Texas Commission on Jail Standards

*300 West 15th Street, Suite 503
Austin, TX 78711
(512) 463-5505
<http://www.tcjs.state.tx.us/>*

The Texas Commission on Jail Standards (TCJS) has nine members who are appointed by the Governor. Membership currently includes a sheriff, doctor, county judge, and County Commissioner.

The Commission was created to implement state policy that all county jail facilities conform to minimum standards of construction, maintenance and operation. Since then, the Commission has expanded to include many duties, such as providing consultation and technical assistance to county and municipal jails.

A regulatory body, the Texas Commission on Jail Standards promulgates written rules and procedures that establish minimum standards, inspection procedures, enforcement policies, and technical assistance for the operation of jail facilities. Areas of concern include construction and maintenance of jail facilities, as well as care and treatment of inmates, and programs of rehabilitation, education, and recreation in jails. The Commission monitors and enforces standards through onsite inspections, which must be con-

ducted for each facility at least once per year. Inspections may be unannounced, and staff have access to any part of the facility.²⁵⁷ Its reports on individual facilities are not available to the public on its website. In the event of a jail's non-compliance with the minimum standards, the Commission has various remedies available to it, including the potential to order the transfer of inmates or to decertify the facility.

²⁵⁷ 37 TEXAS ADMIN. CODE § 297.2 (2008).

UNITED STATES

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons (Fed.)	Jails (Fed.)	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Department of Homeland Security, Office of Inspector General		X		X			X	X				X		X	
Department of Justice, Office of the Federal Detention Trustee, Detention Standards and Compliance Division		X			X	X			X			X		X	
Department of Justice, Office of the Inspector General	X			X			X	X				X		X	

Federal prisoners include convicted prisoners held by the Federal Bureau of Prisons and pretrial detainees or transfer prisoners held by the U.S. Marshals Service in contracted space in local county jails and private facilities. The Office of the In-

spector General in the U.S. Department of Justice provides oversight of the Federal Bureau of Prisons and its contracted facilities, while the U.S. Marshals Service monitors its contracts with jail facilities and private vendors. Local jails and private

correctional facilities can also be investigated by the Department of Homeland Security's Inspector General, to the extent these facilities hold immigrant detainees, who fall under the purview of this department, through Immigration and Customs Enforcement (ICE).

**Department of
Homeland Security,
Office of Inspector
General**

*245 Murray Drive, SW, Bldg. 410
Washington, DC 20538
(202) 254-4100
<http://www.dhs.gov/xoig/index.shtml>*

The Department of Homeland Security's Office of Inspector General (DHS OIG) was created by the Homeland Security Act of 2002. The Inspector General is appointed by the President and must be confirmed by the Senate. The DHS OIG conducts investigations and audits to impose accountability within the department and to uncover fraud and waste. While the scope of the DHS OIG's authority is very broad, it can include audits of correctional facilities where immigrant detainees are being held.

Based on a 2006 DHS OIG audit of the Passaic County (New Jersey) Jail, the Department of Homeland Security terminated its contract to house immigrant

detainees in the facility. Allegations of substandard medical care²⁵⁸ and inappropriate "use of attack dogs" to ensure inmate compliance prompted the investigation. A final report was released in March 2006. A more general report on conditions in immigrant detention facilities was issued in December 2006. In 2008, the OIG published a report on detainee deaths in custody and medical care.²⁵⁹ Among that report's major recommendations was that DHS's Division of Immigration and Customs Enforcement (ICE) enhance its oversight of immigrant detention facilities.²⁶⁰

258. Asjylyn Loder, *Two Men Say Passaic Jail Denied Them AIDS Drugs*, BERGEN RECORD (Aug. 24, 2005), available at http://www.redorbit.com/news/health/218886/2_men_say_passaic_jail_denied_them_aids_drugs/index.html.

259. Department of Homeland Security, Office of the Inspector General, *ICE Policies Related to Detainee Deaths and the Oversight of Immigration Detention Facilities*, OIG-08-52 (June 2008), available at http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_08-52_Jun08.pdf.

260. *Id.*

**Department of Justice,
Office of the Inspector
General**

*950 Pennsylvania Avenue, NW,
Suite 4706
Washington, DC 20530-0001
(202) 514-3435
<http://www.usdoj.gov/oig/>*

The Department of Justice's Office of the Inspector General (DOJ OIG) functions as an independent and investigatory body that handles complaints and "allegations of fraud, waste, abuse, and misconduct"²⁶¹ by Department of Justice (DOJ) employees, including the Federal Bureau of Prisons and the U.S. Marshals Service. The OIG reports directly to the U.S. Attorney General and to Congress.

Pursuant to Section 1001 of the USA Patriot Act, the DOJ OIG is mandated to investigate complaints alleging civil rights and civil liberties violations by DOJ employees. The OIG has established a section within its agency to address these complaints.²⁶²

Although the Inspector General does not routinely inspect prisons operated by the Federal Bu-

reau of Prisons, the office has access to these facilities in order to conduct investigations of specific allegations. Additionally, the Inspector General sometimes issues thematic reports about a particular corrections issue. In 2009, for example, the DOJ OIG issued a report on the agency's efforts to prevent sexual abuse of federal prisoners by correctional staff.²⁶³ Another 2009 report concerned the agency's use of less-lethal weapons, such as tasers, pepper spray, and batons.²⁶⁴ Also, concerns about the detention and incarceration of federal prisoners and detainees were highlighted as one of the most significant management and performance challenges facing the Department of Justice in an annual report the DOJ OIG presented to the U.S. Attorney General in 2009.²⁶⁵

263. U.S. Dep't of Justice, Office of the Inspector General, The Department of Justice's Efforts to Prevent Staff Sexual Abuse of Federal Inmates, Report Number I-2009-004 (Sept. 2009), *available at* <http://www.justice.gov/oig/reports/plus/e0904.pdf>.

264. U.S. Department of Justice, Office of the Inspector General, Review of the Department of Justice's Use of Less-Lethal Weapons, Report Number I-2009-003 (May 2009), *available at* <http://www.justice.gov/oig/reports/plus/e0903/final.pdf>.

265. Inspector General Glenn Fine, *Top Management and Performance Challenges in the Department of Justice* 16-18 (Nov. 13, 2009),

261. U.S. Dep't of Justice, Office of the Inspector General, Report Violations of Civil Rights or Civil Liberties, *available at* <http://www.usdoj.gov/oig/FOIA/hotline2.htm>.

262. *Id.*

**Department of Justice,
Office of the Federal
Detention Trustee,
Detention Standards
and Compliance
Division**

*4601 N. Fairfax Drive, 9th Floor
Arlington, VA 20530
(202) 353-4601
<http://www.justice.gov/ofdt/standards.htm>*

The Office of the Federal Detention Trustee (OFDT) in the U.S. Department of Justice was established by Congress in 2001 to provide oversight of, among other things, the detention of federal prisoners and aliens awaiting removal from the United States. The OFDT's Detention Standards and Compliance Division (DSC) maintains a quality assurance program that monitors all facilities housing detainees of the United States Marshals Service (USMS). Facilities inspected include state and local correctional facilities that contract with the USMS under an intergovernmental agreement, as well as private facilities that contract either with the USMS or with ICE.²⁶⁶ However, DSC

only conducts reviews of those state and local facilities that hold more than 500 USMS detainees, which excludes a significant number of correctional facilities housing federal detainees.

Facilities are reviewed annually for compliance with Federal Performance-Based Detention Standards. These standards are designed to ensure the safe, secure, and humane confinement of federal detainees. In addition to more general requirements, these standards include a number of core requirements known as Key Functional Areas, and failure to comply with any of those core standards is considered a significant deficiency in facility operations. Inspection teams typically include subject matter experts who are contracted consultants. Facilities must develop and implement corrective plans to address any deficiencies, and continued failure to meet minimum standards could result in a discontinuation of the contract or financial penalties for the facility.²⁶⁷

http://www.justice.gov/oig/challenges/2009_challenges.pdf#4.

266. Office of the Federal Detention Trustee, Detention Standards and Compliance Division, Quality Assurance Program. Online, <http://www.justice.gov/ofdt/qap-brochure.pdf> (last visited Apr. 7,

2010).

267. *Id.*

UTAH

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Utah Sheriffs' Association		X			X	X			X				X	X	

We have not identified any formal external prison oversight mechanisms in Utah. With regard to jail oversight, the Utah Sheriffs' Association conducts voluntary inspections of jails to ensure compliance with the Sheriff's Jail Standards, but has no enforcement authority.

Utah's designated protection and advocacy organization for persons with mental illness or disabilities is the Disability Law Center.

Disability Law Center

*205 North 400 West
Salt Lake City, UT 84103
(801) 363-1437
<http://www.disabilitylawcenter.org>*

The Disability Law Center is a private non-profit advocacy organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in Utah. As part of the nation's protection

and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed. One of the organization's stated priorities is ensuring appropriate accommodations, access to programming, and mental health services in adult corrections facilities.²⁶⁸

Utah Sheriffs' Association

*P.O. Box 489
Santa Clara, UT 84765
<http://www.utahsheriffs.org/>*

In response to litigation regarding local jail conditions, the Utah Sheriffs' Association developed jail standards backed up by annual inspections by the Association. Compliance with the standards is voluntary, however, and the Association has no sanctioning or certification authority.²⁶⁹

268. Disability Law Center, Priority Issues, *available at* <http://www.disabilitylawcenter.org/priorityissues.htm> (last visited June 6, 2010).

269. U.S. Dep't of Justice, NIC Information Center, Authority of State-Level Jail Inspection Agencies to Close County/Local Jails (Dec. 2003), <http://www.nicic.org/pubs/2003/019303.pdf> (last visited Nov. 25, 2009).

VERMONT

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have identified no formal external prison or jail oversight mechanisms in Vermont. Vermont is one of six states with a unified corrections system, in which the state agency operates both pre-trial and post-conviction facilities.

Vermont's designated protection and advocacy agency for persons with mental illness or disabilities is Disability Rights Vermont.

Disability Rights Vermont

*141 Main Street, Suite 7
Montpelier, VT 05602
(802) 229-1355
<http://www.vtpa.org/>*

Disability Rights Vermont is a private non-profit organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in Vermont. As part of the nation's protection and advocacy network, it has a right of access to all correctional facili-

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ties in which persons with disabilities and mental illness are housed.

VIRGINIA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Virginia Department of Corrections, Compliance and Accreditation Unit		X			X	X			X			X		X	

We have not identified any formal external prison oversight mechanisms in this state. However, ninety-six individual local jail facilities in Virginia are subject to oversight by the state's Board of Corrections, through the state Department of Corrections (DOC).

Virginia's designated protection and advocacy organization for persons with mental illness or

disabilities is the Virginia Office for Protection and Advocacy.

Virginia Department of Corrections, Compliance and Accreditation Unit

*P.O. Box 26963
Richmond, VA 23261-6963
(804) 674-3000
<http://www.vadoc.state.va.us/about/directory/compliance.shtm>
<http://www.vadoc.state.va.us/boards/local.shtm>*

The Board of Corrections is responsible for jail oversight, and it has charged the Compliance and Accreditation Unit of the Virginia Department of Corrections (DOC) with conducting these audits of local jail facilities. This unit inspects local detention facilities (as well as state prisons and community corrections facilities) every year to ensure compliance with the Minimum Standards for Jails and Lockups as set by statute, and conducts more comprehensive audits every three years.²⁷⁰ The Board of Corrections has the power to certify and defund non-compliant facilities.²⁷¹

In 1994, the Virginia Joint Legislative Audit and Review Commission (JLARC) conducted a

review of the DOC's jail oversight process. The study reported that some of DOC's processes for providing jail oversight were ineffective, and the active involvement of the state health department was necessary. The Code of Virginia was revised by the 1995 General Assembly to accommodate many of the recommendations of the report, including the authorization of unannounced visits to jails by the DOC.²⁷²

Virginia Office for Protection and Advocacy (VOPA)

*1910 Byrd Avenue, Suite 5
Richmond, VA 23230
(804) 225-2042
<http://www.vopa.state.va.us/index.htm>*

The Virginia Office for Protection and Advocacy is an independent state agency that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in Virginia. As part of the nation's protection and advocacy

270. 6 VA ADMIN. CODE § 15-20-40 (2006).

271. Virginia Regulatory Town Hall, [http://www.townhall.state.va.us/L/VViewBoard.cfm?BoardID=50](http://www.townhall.state.va.us/L/ViewBoard.cfm?BoardID=50) (last visited Nov. 23, 2009).

272. Joint Legislative Audit and Review Commission, *Review of Jail Oversight and Reporting Activities*, Virginia Legislative Information System (1996), <http://leg2.state.va.us/dls/h&sdocs.nsf/4d54200d7e28716385256ec1004f3130/c652408e645954368525628a00557d39?OpenDocument> (last visited Nov. 23, 2009).

network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed. One of the agency's priority issues for the 2010 fiscal year is ensuring timely and appropriate mental health services in jails.²⁷³

273. Virginia Office for Protection and Advocacy, *FY 2010 Goals, Focus Areas, and Objectives* (Oct. 1, 2009), <http://www.vopa.state.va.us/Programs%20and%20Goals/2010%20GFOs.htm>.

WASHINGTON

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have identified no formal external prison or jail oversight mechanisms in Washington State. However, it is worth highlighting the work of an independent state agency, the Washington State Institute for Public Policy (WSIPP). It provides research on particular issues “at legislative direction,” including issues related to the criminal justice system. If required for a project, it could have access to correctional facilities. The organization’s reports are publicly available and posted online. Most of its research, however, concerns effectiveness of

programs or policies, rather than institutional conditions.²⁷⁴

Washington also does not have state oversight of local jails. However, many localities enter into “interlocal jail agreements” with other localities, given that one locality may house offenders from another. These agreements

274. Washington State Institute for Public Policy <http://www.wsipp.wa.gov> (last visited Nov. 23, 2009).

lay out basic standards for incarceration.²⁷⁵

Certain legislators and advocates appear interested in developing an oversight body for the state. In 2007, a bill²⁷⁶ was filed that would create a Corrections Ombudsman for the state, to be located within the Office of the Governor. Another bill²⁷⁷ proposed the creation of a legislative corrections oversight committee that would, among other things, examine the treatment of prisoners and coordinate with the proposed Corrections Ombudsman. Neither bill passed.

Washington State's designated protection and advocacy organization for persons with mental illness or disabilities is Disability Rights Washington.

Disability Rights Washington

*315 Fifth Avenue South, Suite
850
Seattle, WA 98104
(206) 324-1521
<http://www.disabilityrightswa.org/>*

Disability Rights Washington is a private non-profit organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in Washington. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

275. Municipal Research & Services Center of Washington, Jail Services and Alternatives to Incarceration, <http://www.mrsc.org/subjects/pub-safe/ps-jails.aspx#Agreements> (last visited Nov. 23, 2009).

276. S.B. 5295.

277. S.B. 5070.

WEST VIRGINIA

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

We have identified no formal external prison or jail oversight mechanisms in West Virginia.

The West Virginia Regional Jail and Correctional Facility Authority was established to “regionalize” local jails in the state. Local jails were closed, and regional jails, serving multiple counties, replaced them. The Authority plans and oversees the operations of these facilities, and has some mechanisms for monitoring the facilities, although

these are not enforced through regular inspections.

West Virginia’s designated protection and advocacy organization for persons with mental illness or disabilities is West Virginia Advocates, Inc.

**West Virginia
Advocates, Inc.**

*1207 Quarrier Street, Suite 400
Charleston, WV 25301
(304) 346-0847
www.wvadvocates.org*

West Virginia Advocates, Inc. is a private non-profit organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in West Virginia. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

WISCONSIN

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay
Disability Rights Wisconsin	X	X		X			X				X	X		X	
Wisconsin Department of Corrections, Office of Detention Facilities		X			X	X			X			X		X	

We have not identified any formal external oversight body for prisons in Wisconsin.

The Wisconsin Department of Corrections (DOC) has jail inspection authority. Further, by statute, a county board of supervisors must inspect jails in their county annually.²⁷⁸

Wisconsin's designated protection and advocacy agency is Disability Rights Wisconsin, which makes monitoring of the treatment of disabled and mentally ill persons in corrections facilities a high priority (thus warranting inclusion in the chart above).

278. WIS. STAT. ANN. § 301.37(3) (2005).

Disability Rights Wisconsin

*131 W. Wilson Street, Suite 700
Madison, WI 53703
(608) 267-0214
<http://www.disabilityrightswi.org>*

Disability Rights Wisconsin is a private, non-profit organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in Wisconsin. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.

Among the group's current priorities is advocating for persons with disabilities in the criminal justice and corrections system. Specifically, Disability Rights Washington is investigating for-profit health care providers for county jails; assessing the quality of health care in selected jail facilities; challenging disciplinary programs that do not take account of an individual's disabilities that may affect behavior; and monitoring the DOC's policies regarding long-term segregation of mentally ill inmates.²⁷⁹

279. Disability Rights Wisconsin, Highlights of DRW 2009 Advocacy Plans. Online, *available at* <http://www.disabilityrightswi.org/wp>

Wisconsin Department of Corrections, Office of Detention Facilities

*3099 East Washington Avenue
Post Office Box 7925
Madison, WI 53707-7925
(608) 240-5052
<http://www.wi-doc.com/>*

The Wisconsin Department of Corrections, through its Office of Detention Facilities, is statutorily authorized to create standards for local jails and make inspections at least every year for "safety, sanitation, adequacy and fitness" and report findings to the local authorities. The office also investigates complaints, deaths, suicides, and other critical incidents that occur in these jails. Local jails have six months to address the problems listed in the report, and a failure to do so could result in defunding and closure.²⁸⁰ The DOC may order a jail closed as a last resort, but that is considered very unlikely and has not occurred since the late 1970s.²⁸¹

-content/uploads/2009/02/highlights-of-drw-2009-advocacy-plans.pdf. (last visited Apr. 7, 2010).

280. WIS. STAT. ANN. § 301.37(3) (2005).

281. U.S. Dep't of Justice, NIC Information Center, Authority of State-Level Jail Inspection Agencies to Close County/Local Jails (Dec. 2003).

WYOMING

Organization	Facility			Oversight Function		Monitoring		Issues Covered				Access		Inspectors	
	Prisons Statewide	Jails Statewide	Single Jail	Investigatory	Preventative	Routine	If Needed	General Government	General Corrections	Limited	Single Issue	Golden Key	Restricted	Professional	Lay

There are no statutorily required external oversight entities in Wyoming for the prison system.²⁸² From 2003 to 2005, the Wyoming DOC was under the supervision of the federal court and a court-appointed Joint Expert pursuant to a remedial plan addressing inmate safety issues.²⁸³ The Department of Jus-

tice was also providing oversight of the DOC with regard to medical and staffing issues until 2006. However, no form of external oversight has taken the place of these monitoring bodies.

Wyoming's designated protection and advocacy organization for

282. E-mail from Bob Lampert, Director of Wyoming DOC, to Ren Nance (Mar. 20, 2006).

283. *The Newsletter of the Western Prison Project*, JUSTICE MATTERS. (Spring 2005, Vol. 7 No.

2), *available at* www.westernprisonproject.org/files/JM_Spring_2005_Part1.pdf (last visited Apr. 7, 2010). *See also* E-mail from William Collins, court-appointed Joint Expert, to Michele Deitch, (Nov. 23, 2009).

persons with mental illness or disabilities is Wyoming Protection & Advocacy System, Inc.

Wyoming Protection & Advocacy System, Inc.

*7344 Stockman St.
Cheyenne, WY 82009
(307) 632-3496
<http://www.wypanda.com/>*

Wyoming Protection & Advocacy System, Inc. is a private, non-profit organization that advocates for and protects the rights of people with disabilities and mental illness, including those in state prisons and local jails in Wyoming. As part of the nation's protection and advocacy network, it has a right of access to all correctional facilities in which persons with disabilities and mental illness are housed.