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Testimony of the John Howard Association to the Virginia Legislative Appropriations Committee on HB 2325, Virginia Office of the Department of Corrections Ombudsman
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The John Howard Association (JHA) is the only statewide, independent, not for profit, non-partisan, citizen correctional oversight organization in Illinois. For 120 years JHA has been monitoring Illinois' prisons, going inside to directly observe conditions and speak with staff, administrators and prisoners. JHA provides voluntary and anonymous surveys to prisoners and staff to gather more perspectives, experiences and information about what is happening inside our prisons from directly impacted and affected people, issues reports that include key findings and recommendations, and we advocate for needed reforms in our prison and criminal justice system. JHA is a non-governmental organization and not a legislatively mandated oversight office; however, the Illinois Administrative Code allows for people who are incarcerated to confidentially communicate with JHA via mail and our longstanding monitoring and advocacy work in the state enables our informal oversight function..

Illinois does not currently have a legislatively mandated and funded office for independent correctional oversight for our adult prison system, however, JHA is a proponent of creating such an office. Illinois has had an Independent Juvenile Ombudsman for the Department of Juvenile Justice since 2015, which has been quite successful in improving system transparency and confronting issues raised by youth in state custody. The benefits of increased access to facilities, investigatory power, and having an authority responsible for responding to prisoner grievances and issues and reporting information to the public cannot be overstated. Humanity is increased when oversight is in place and resources are utilized more effectively to improve outcomes.

JHA submits this testimony to the Virginia Legislature in support of HB 2325, the bill to create the Virginia Office of the Department of Corrections Ombudsman. Correctional Ombuds offices provide critical transparency into the closed system of corrections which provides for better accountability. Democracy rests on the ability of stakeholders to see and question what government agencies are doing and use this information to gauge system functionality and guide decision-making. Prisons are uniquely opaque requiring increased scrutiny and information sharing to assess the safety, health and wellbeing of prisoners who are inaccessible to their loved ones and the general public. Offices of Ombuds improve transparency around the treatment of people in prison and the conditions they live in which sheds light on how state actors behave and use resources.

The costs associated with the lack of oversight are many and high; more reports of abuse and victimization and millions of dollars spent in litigation due to prison conditions and how people are treated. Consistent, ongoing oversight can help identify and resolve issues earlier and improve conditions and treatment inside prisons, increasing the safety and wellbeing of prisoners and decreasing costs associated with investigations and litigation. Without oversight detecting problems and responding to the needs of prisoners, costly investigations are initiated, more lawsuits are filed, and more people suffer needlessly.

While the need for transparency in corrections is constant, the COVID-19 crisis has elevated this need given that health in prisons is a facet of the public health system that affects us all. We should not view COVID-19 in prisons as an isolated subject, but, rather, we need to recognize that prison settings are connected to and embedded within the greater statewide community. The COVID-19 crisis has accentuated the need for increased transparency for all departments of corrections; to be clear, however, this is a need that existed prior to COVID-19 and will remain after this public health crisis has subsided until the legislature mandates robust public reporting requirements by law and specific, authorized and funded oversight.

As an Illinois correctional oversight organization, JHA cannot testify to the current conditions and issues inside Virginia prisons or comment on the operations of the Virginia Department of Corrections. We are also not experts on the resources Virginia spends defending and responding to issues inside prisons that could have been prevented or avoided. While there is publicly available information in the media about issues resulting in litigation and the Virginia Department of Corrections publicly reports budget expenditure, litigation costs are not included in the annual financial report put out by the Department. Many issues within correctional systems are common and often a result of inattention; oversight is a sound investment.

In order to be effective an office of Correctional Ombuds must be independent and fully resourced. The two main functions of such an office include monitoring the conditions of confinement and treatment of prisoners and investigating complaints. Ideally there are two separate arms of an Office of Ombuds, an independent, impartial public official/office appointed to receive and investigate citizen complaints against administrative acts of government, and an independent office that exists to ensure the system as a whole is fair, safe, and rehabilitative, including strengthening procedures and practices that lessen the possibility of actions occurring within the DOC that would negatively impact the health, safety, welfare, and rehabilitation of incarcerated persons, and reduce the exposure of the DOC to litigation. To accomplish this work it is critical that the office is provided with the necessary authority and resources to ensure that it is adequately staffed and able to continuously inspect, investigate, respond and communicate.

JHA urges the State of Virginia to pass and implement HB 2325, creating the Office of Department of Corrections Ombudsman. Every jurisdiction, state, city and county, should have legislatively mandated and funded correctional oversight; there is a national need for increased transparency and to hold correctional agencies accountable for the wellbeing of people in their custody. In every jail, detention center and prison, people who have been denied their liberty should have opportunities for increased procedural fairness, safety and access to unbiased assistance.

Respectfully submitted,

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