
**Testimony of the John Howard Association to the Illinois House Judiciary
Committee on HB 3887, establishing the Illinois Department of Corrections
Independent Ombudsman Bureau
March 23, 2021**

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. Noticeably absent is the authority for JHA, or any other independent organization, to investigate complaints or issues raised by people who are incarcerated within the Illinois Department of Corrections (IDOC), an important function that will be fulfilled by the passage and enactment of this legislation.

JHA submits this testimony in support of HB 3887, the bill to create the IDOC Independent Ombudsman Bureau. Correctional Ombuds offices provide critical transparency into the closed system of corrections which creates accountability. Democracy rests on the ability of the public to see and question what their government is 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 Illinois only citizen correctional oversight organization, JHA can attest to the issues rife within state prisons and the importance of independent parties monitoring facilities. As a non-mandated oversight group JHA does not have unfettered or unsupervised access to the facilities, or the ability and authority to investigate complaints. Through our privileged mail status and monitoring visits we are made aware of and observe issues people in our prisons experience but we are not able to follow up, investigate or respond to them in the ways this legislation provides which are paramount to effective resolution and improved treatment of the people who are incarcerated. Effective mechanisms for addressing issues inside prisons increase perceptions of fairness and procedural due process, which can reduce tensions and improve relationships and behavior in correctional settings. Currently IDOC is not only without an Office of Correctional Ombuds, there is not a functional grievance system in place for the people who are incarcerated to have their complaints addressed or even acknowledged. The creation of this office is an important step for Illinois and will increase transparency into this closed system. It will help to identify and begin to address inequitable and inhumane conditions and treatment inside the prisons.

The amount of money Illinois spends defending and responding to issues inside prisons that could have been prevented or avoided is not publicly available, however there are many of reports available about issues resulting in litigation. Many issues within correctional systems are common and often a result of inattention; oversight is a sound investment. In Illinois, anecdotal experience suggests oversight (independent and court appointed) improving outcomes and reducing expenses; decreasing the number of preventable deaths and injuries, increasing the routine provision of care, improved addressing of pervasive perceptions that procedural fairness is lacking, and contributing to better results and decreasing litigation.

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 IDOC that would negatively impact the health, safety, welfare, and rehabilitation of incarcerated persons, and reduce the exposure of IDOC 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.

Illinois has had an Independent Juvenile Ombudsman for the Department of Juvenile Justice since 2015, which has been quite successful in terms of responding to issues and raising awareness of problems and safety concerns. 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 urges the Illinois General Assembly to pass HB 3887, creating the Illinois Department of Corrections Ombudsman Bureau. 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,

Jennifer Vollen-Katz, Executive Director
John Howard Association of Illinois
jvollen@thejha.org