



Oversight of Prison Operations: An Interactive Masterclass

Levin Center for Oversight and Democracy

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Levin Center for Oversight and Democracy



U.S. Sen. Carl Levin



Pennsylvania Oversight Committee



Wayne State Law School



NCOIL Summer Meeting

- Workshops for Congress, state, international legislatures
- Videos, testimony, webinars, social media
- Research & Reports (50-state analysis, contract oversight, more)
- Conferences, panels & events
- State Oversight Academy
- More: Benjamin.Eikey@wayne.edu



CSG West Annual Meeting

Agenda

Presentation

- What is legislative oversight?
- Four phases of an investigation
- Auditor, Ombuds, Inspector General, Commissions
- Oversight Planning

The Scenario: Health Care Scandal in a State Prison

What is Legislative Oversight?

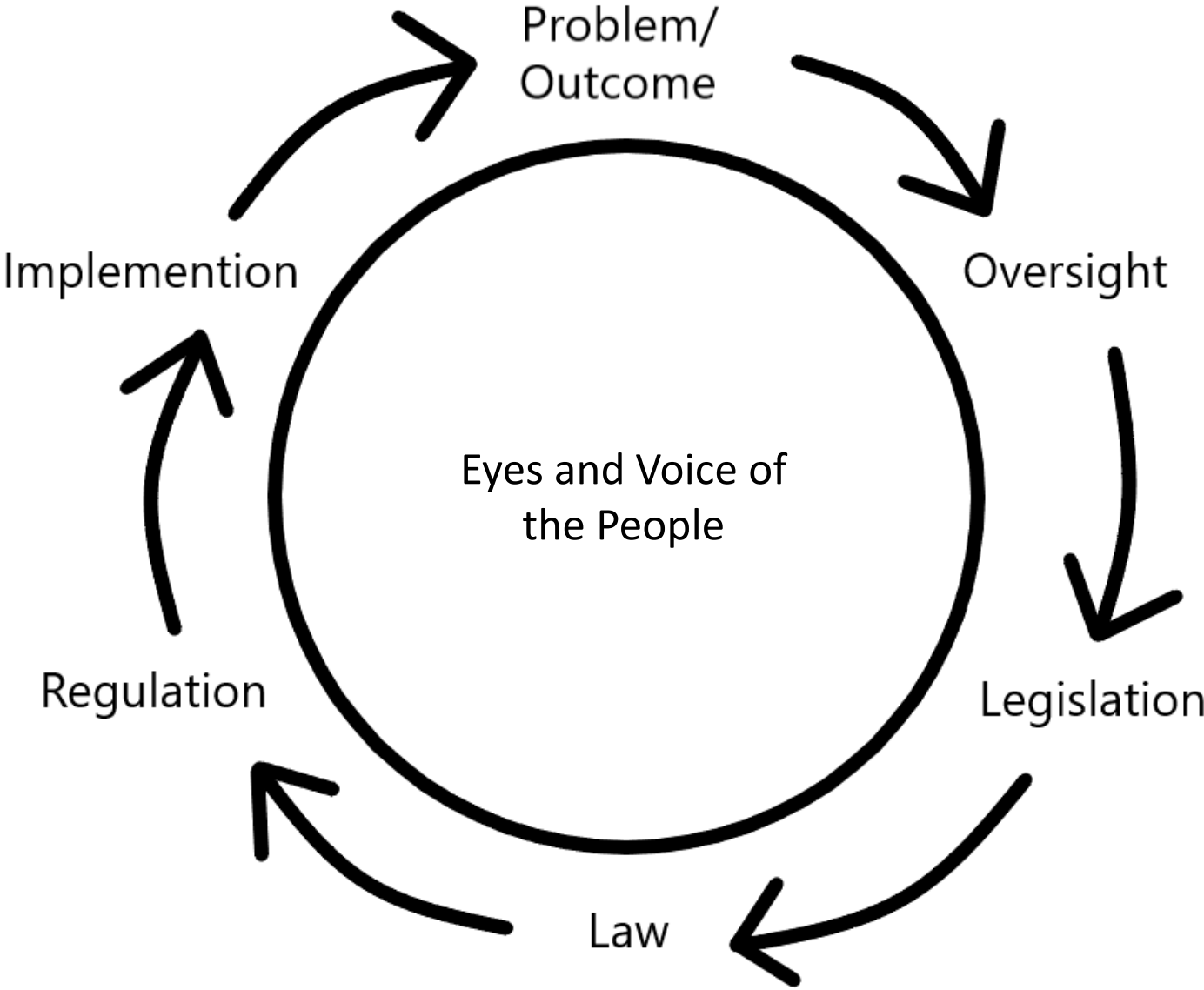
The “eyes and voice” of the people

“It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.”

-- United States Supreme Court¹

¹ *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020), citing *United States v. Rumely*, 345 U. S. 41, 43 (1953).

Cycle of Accountability



Your Superpowers



- Legislator phone calls and emails get returned.
- Legislators can request investigations and reports.
- Legislator questions trigger research, reconsideration, change.
- Oversight can have as much, or more, impact as legislation.

Routine or Event-Driven Oversight?

Routine: "cop on the beat"	Event-Driven: "firefighter"
Program Outcomes	Scandal
Budgetary	Disaster
Contracts	Chronic Problems
Compliance	Escalating Problems
Deter Malfeasance	Long-term Investigation

While today's scenario is event-driven, over time the oversight in place could become routine.

Examples of Topics

- Pension funds
- Prisons
- Foster care
- Disaster response
- Lobbying disclosures
- Contract mismanagement
- Infrastructure



Origin of Investigation Topics

- Committee jurisdiction
- Leadership concerns
- Scandals, events, news, problems
- Reports
- Constituents
- Whistleblowers, advocacy groups
- Legislator concerns
- Lawsuits
- Agencies
- Personal experience
- Oversight plan, long-term vision



Avenues for State Legislative Oversight

- Analytic Bureaucracies
- Appropriations Process
- Committees
- Administrative Rule Review
- Advice and Consent
- Monitoring Contracts

Phases of an Investigation

1. Fact-Finding
2. Written Product
3. Hearing
4. Follow up



Tutorials: <https://levin-center.org/congressional-lawmakers/online-tutorials/>

Fact-finding (1 of 3)

Auditors: Flow of info to assist the Legislature (MI)

- Performance
- Fiscal

Ombuds: Independent, impartial investigations into issues related to state agencies and employees (NE)

- Public Counsel
- Corrections

Fact-finding (2 of 3)

Inspector General:

Purpose: deter/detect/prevent waste, fraud, and abuse (PA)

- Sometimes a law enforcement agency

Commissions

- Jail Standards Commission (CO)

Fact-finding (3 of 3)

1. Gather publicly available information
2. Make doc/witness requests (subpoenas?)
3. Review Evidence
4. Interviews

Hearings

- Best tool for raising visibility of an issue and effecting change
- Typically, where you present rather than discover information
- Set goals for hearing and check to see if they're being achieved
- Develop a media plan

Written Product

- Internal (for committee members and staff) and External (for the public)
- Builds consensus during fact-finding and after inquiry is over
- Reports can be very short (memo, fact sheets)

Follow-Up

- Consider solutions during fact-finding
- Include specific recommendations in any report
- Get commitments for reform during hearings
- Create plan that assigns tasks to specific members/staff
- Give yourselves a deadline and be transparent about results

Recommendations for Strengthening Oversight

- Joint oversight committee with balanced party membership
- Bipartisan approach to topics, inquiry, witnesses, questions, etc.
- More follow-up (e.g., hearings) on reports
- Include contract oversight
- Create oversight plan
- Post status and results of investigations on legislature's website

For additional resources: <https://www.levin-center.org/state-oversight-academy/state-oversight-resources/>

Oversight Planning

Oversight planning can and should be undertaken at any of these levels:

- Entire legislature
- House/Senate
- Caucus
- Committee
- Investigation

For additional resources: <https://levin-center.org/state-oversight-academy/state-oversight-resources/>

Committee Oversight Plan

Topic	Factual Question	Avenue(s)	Routine/Event Driven (Required Resources)
Health Care Access for Reentering Populations	How do people re-entering access health insurance?	(context dependent)	(context dependent)

Avenues:

- Analytic Bureaucracies
- Appropriations Process
- Committees
- Admin Rule Review
- Advice and Consent
- Monitoring Contracts

Scenario: Health Care Scandal in a State Prison

- Scenario
- Reports from the experts
- Plan action within committee
- Present to whole group

Topic	Factual Question	Avenue(s)
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Scenario

- A diabetic inmate at Fox River State Penitentiary died in solitary confinement. The Inspector General, who responds 24/7 to unexpected inmate deaths, was told by the medical staff that they were not informed where he had been moved, so he had not received his insulin or had his blood sugar levels monitored in almost two weeks. He was also sent regular meals, rather than those meant for his special diet, compounding the situation.

What are the next steps for the legislature?

Topic	Factual Question	Avenue(s)
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The Experts Investigate

Ombuds: Investigates circumstances of John Doe's death and phone calls from diabetic inmates at the same prison who report concerning issues.

Legislative Auditor General: Investigates ongoing issues of lack of communication between medical and prison staff at Fox River State Penitentiary, poor records management, and failure to meet national standards.

Inspector General: Visits the rest of the state's prisons to determine if this is a systemic problem or is confined to one prison.

What are the next steps for the legislature?

Topic	Factual Question	Avenue(s)
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Thank you!

For more information, contact:

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State Oversight Resources: <https://www.levin-center.org/state-lawmakers/state-oversight-resources/>

State Oversight Workshops: <https://www.levin-center.org/state-lawmakers/oversight-workshops/>



Next: Expert Presentations



Keith Barber, Michigan
Legislative Corrections
Ombudsman



Kade Minchey, Utah
Legislative Auditor
General



Amarik K. Singh,
California Inspector
General