



WAYNE STATE
Law School

Utah Oversight Workshop

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Utah Oversight Workshop

Jim Townsend and Ben Eikey

Levin Center for Oversight and Democracy

State Oversight Academy

January 26th, 2024





Go Lions!



Levin Center for Oversight and Democracy



U.S. Sen. Carl Levin



Pennsylvania Oversight Committee



Wayne State Law School



DC Council Oversight Workshop

- 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



North Carolina General Assembly
Oversight Workshop

Agenda

- What is Legislative Oversight?
- Oversight Topics
- Recommended Best Practices
- Oversight Planning

What is Legislative Oversight?

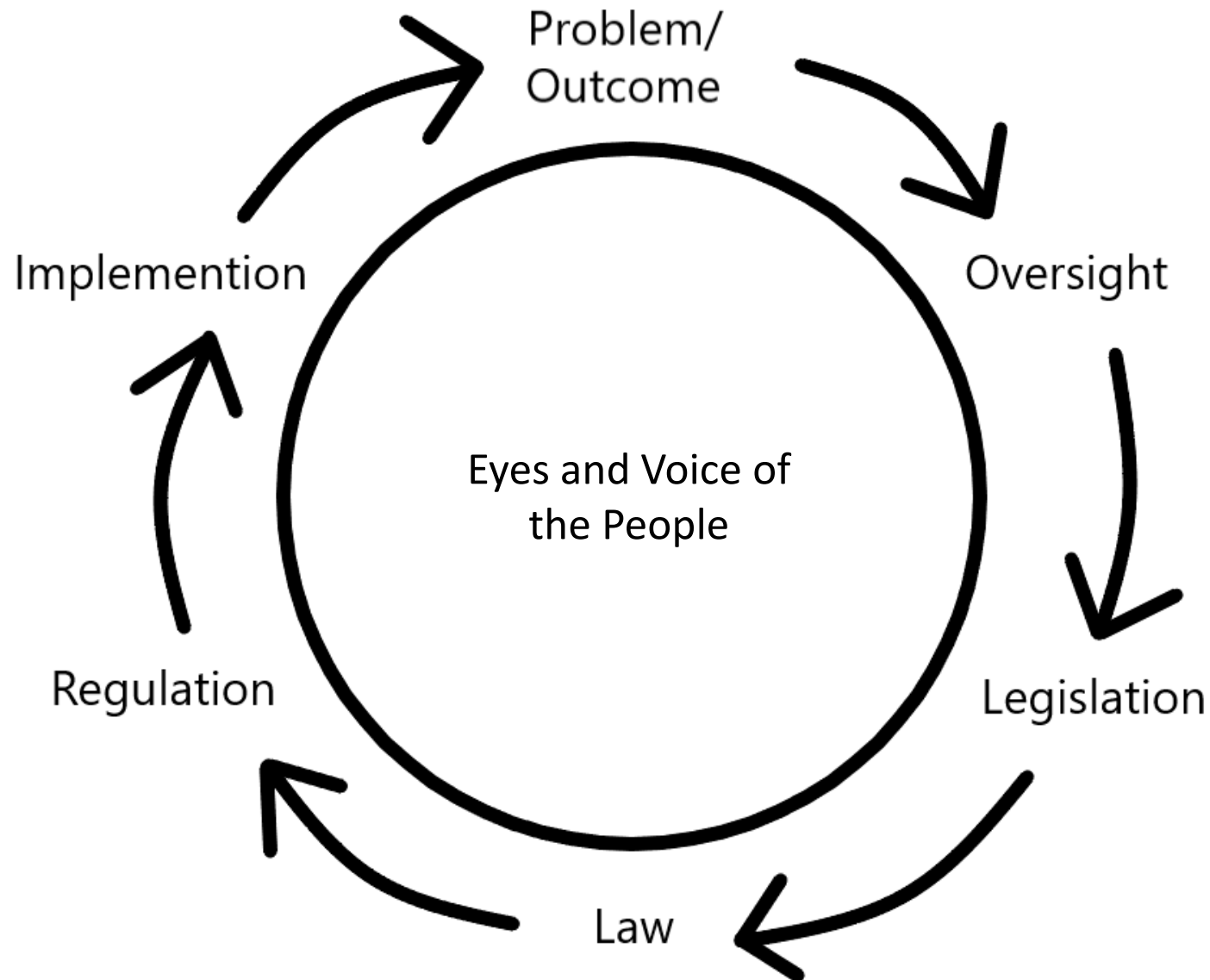
The “eyes and voice” of the people

“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.”

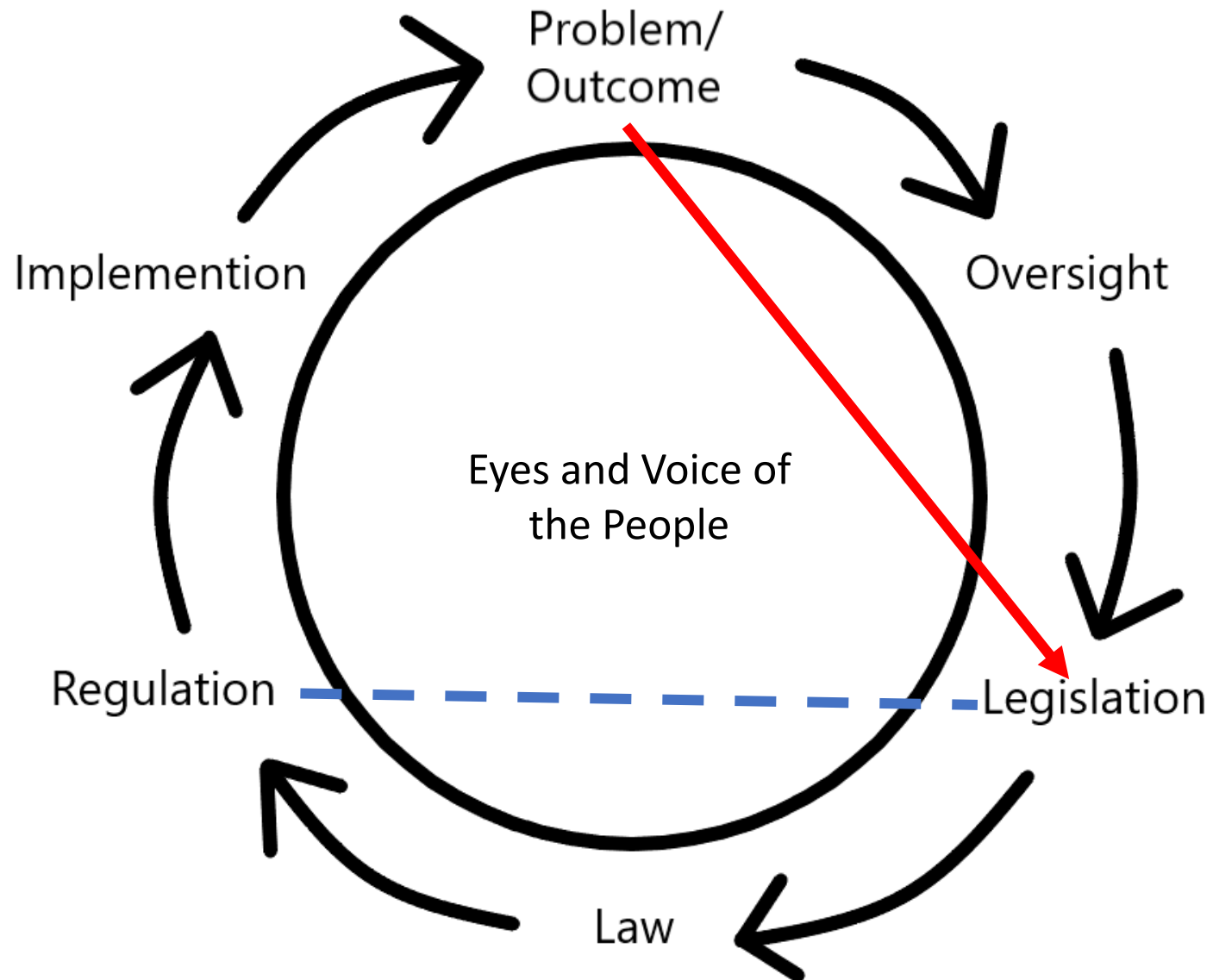
-- United States Supreme Court¹

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



Cycle of Accountability



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

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.

Avenues for State Legislative Oversight

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

Origin of Investigation Topics

- Committee jurisdiction
- Leadership concerns
- Scandals, events, news, problems
- Reports (**SOA Wiki!**)
- Constituents
- Whistleblowers, advocacy groups
- Legislator concerns
- Lawsuits
- Agencies
- Sunset Provisions
- Personal experience
- Oversight plan, long-term vision



Examples of Topics

- Pension funds
- Prison operations
- Foster care
- Disaster response and mitigation
- Lobbying disclosures
- Contract mismanagement
- Infrastructure





South Carolina

House Legislative Oversight Committee

- Full Committee plus five subcommittees
- Video archive and minutes of all meetings
- Public input form, plus info on testimony submission
- Restructuring recommendations for agencies
- Seven-year agency reviews



South Carolina

House Legislative Oversight Committee

- Transparency report to citizens
 - Purpose, findings, and recommendations
- All reports available online since 2014

Oversight Matters Podcast: Rep. Wes Newton: <https://levin-center.org/what-is-oversight/oversight-matters/>

Recommendations for Strengthening Oversight

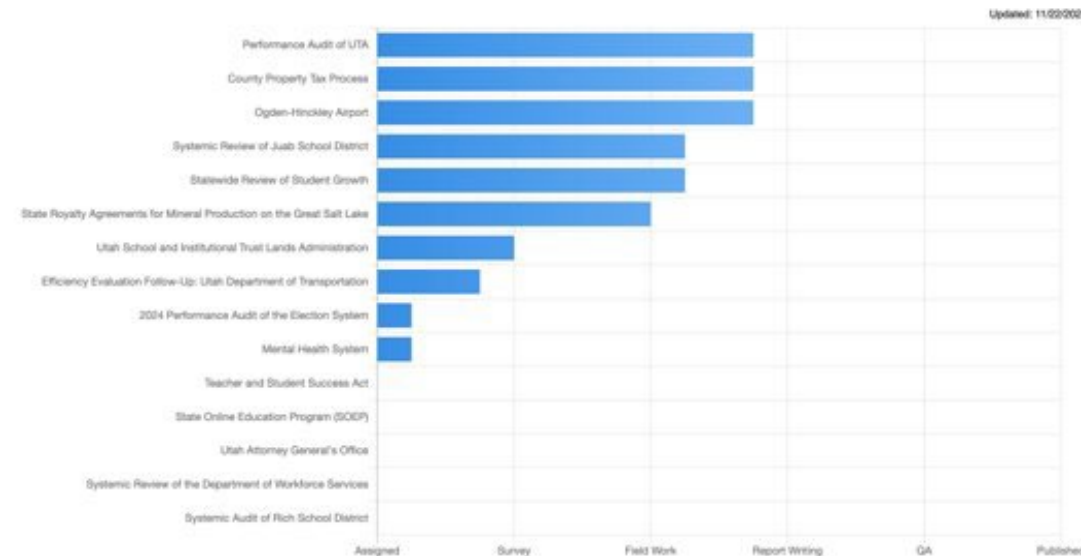
- Joint oversight committee with balanced party membership
E.g., Michigan SJR O, 2022
- Bipartisan approach to topics, inquiry, witnesses, questions, etc.
- Interim opportunities.
- More follow-up (e.g., hearings) on reports.

Recommendations for Strengthening Oversight

Publish oversight data on website.

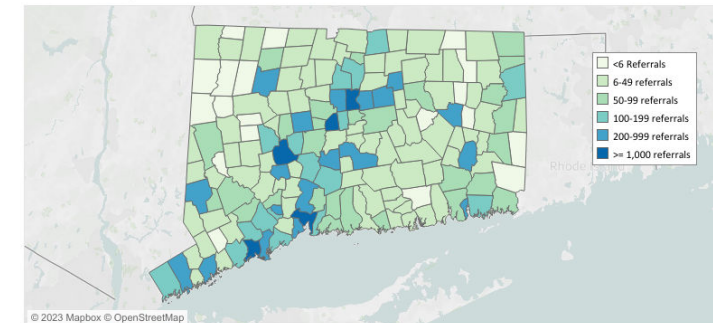
Partner with universities to enhance capacity.

Audits In Progress

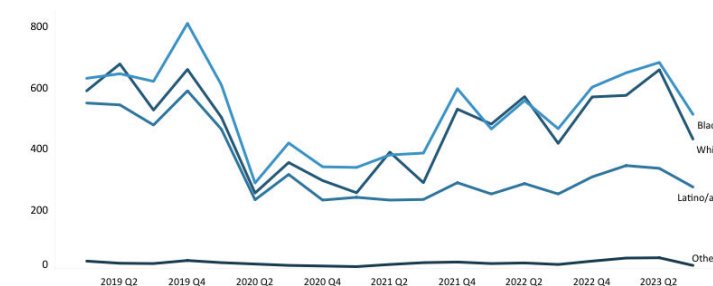


Total Delinquent Referrals

Select Year(s)
Four Year Totals: 2019-2022



Total Quarterly Delinquent Referrals



Recommendations for Strengthening Oversight

Build a plan.

- What to investigate?
- How?
- Who?
- Timeline?

**Table 2
Subgroup Assignments**

Subgroup	Members	Assigned Topics	Recommendation Deadlines
Subgroup 1		Round 1 - Jail Staffing	Draft: September 2022 Final: October 2022
		Round 2 - Inmate Disciplinary Procedures	Draft: December 2022 Final: January 2023
		Round 3 - Communication	Draft: March 2023 Final: April 2023
		Round 4 - Reception and Release	Draft: June 2023 Final: July 2023
Subgroup 2		Round 1 - Inmate prerogatives	Draft: September 2022 Final: October 2022
		Round 2 - Visitation	Draft: December 2022 Final: January 2023
		Round 3 - Restrictive Housing	Draft: March 2023 Final: April 2023
		Round 4 - Classification of Inmates	Draft: June 2023 Final: July 2023
Subgroup 3		Round 1 - Inmate Grievances	Draft: October 2022 Final: November 2022
		Round 2 - Security	Draft: January 2023 Final: February 2023
		Round 3 - Security Continued	Draft: April 2023 Final: May 2023
		Round 4 - Health care, mental and behavioral health care, and dental care	Draft: July 2023 Final: August 2023
Subgroup 4		Round 1 - Recreation and Programming	Draft: October 2022 Final: November 2022
		Round 2 - Food Service	Draft: January 2023 Final: February 2023
		Round 3 - Sanitation	Draft: April 2023 Final: May 2023
		Round 4 - Housing	Draft: July 2023 Final: August 2023

Subgroup operating procedures. Meetings of subgroups must be held virtually, and notice of, and an agenda for, each subgroup meeting must be posted on the commission's website at least 24 hours prior to the meeting. All subgroup Zoom meetings must be recorded by a member of the subgroup.

Legislative Council Staff will create Zoom links for each subgroup, but will not operate or record the Zoom meeting. Each subgroup must designate a liaison who is responsible for creating agendas and sending information to Legislative Council Staff be posted on the commission's website and shared with the full commission.

Subgroups will develop their own processes for scheduling and facilitating meetings and writing recommendations. Recommendations presented to the commission should be as complete as possible,

For additional resources, including bill language: <https://www.levin-center.org/state-lawmakers/state-oversight-resources/>

Colorado Jail Standards Commission Suggested Operating Procedures

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Oversight Planning

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

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

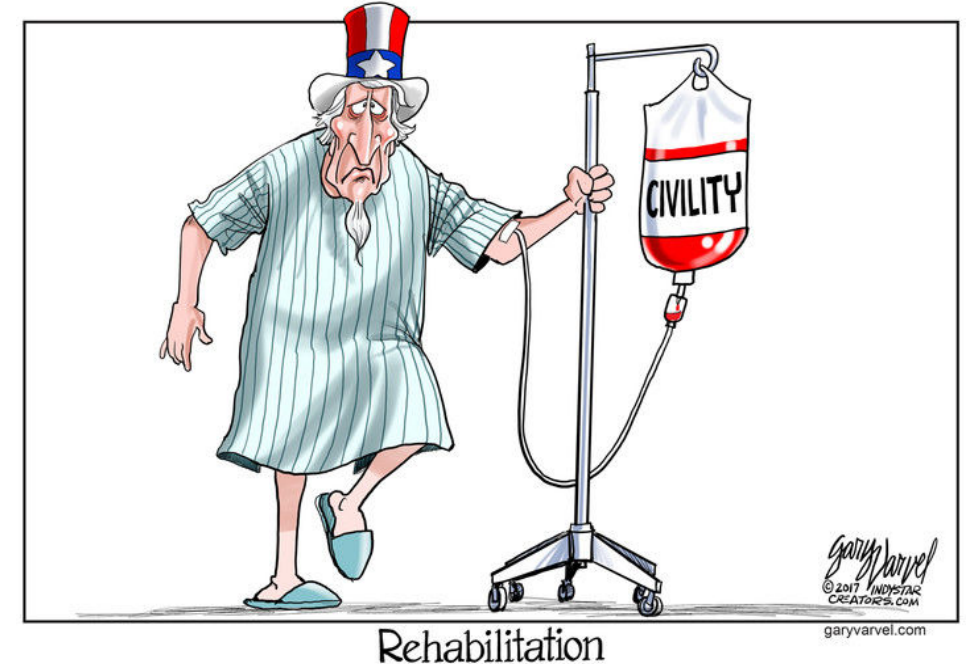


For additional resources: <https://levin-center.org/state-oversight-academy/state-oversight-resources/>

Civility in Oversight

When conducting an inquiry,

- Focus on process over personalities.
- Poor results are not always the agency personnel's fault.
- Remember that building effective partnerships with agency personnel is often a better path to meaningful change than misusing oversight as a disciplinary tool.
- Build a positive culture by expecting agency personnel and members from the other party are also pursuing information and problem solving in good faith.
- Let the facts be the guide.



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

Oversight Plan

Topic	Subtopic	Factual Question	Avenue(s)	Routine/Event Driven (Required Resources)	Timeline
Reentry	Economic Opportunity	How does the state incorporate the previously incarcerated into the workforce?			

Avenues:

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



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/>

