



LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS

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May 23, 2019

New York City Charter Revision Commission

*BY EMAIL*

Re: Board of Correction

Dear Commissioners:

I write in strong support of the proposal to adequately and independently fund the New York City Board of Correction, one of the nation's leading jail oversight bodies.

I am a senior lecturer at the Lyndon B. Johnson School of Public Affairs and the School of Law at the University of Texas at Austin. For more than 30 years, I have studied and worked on issues related to the independent oversight of correctional institutions around the country. I co-chair the American Bar Association's Subcommittee on Correctional Oversight and helped draft the ABA's Standards on the Treatment of Prisoners. I have authored numerous articles about correctional oversight, including a 50-state inventory of prison oversight models. I have also served as a federal court-appointed monitor of conditions in the Texas prison system.

Every public agency must have effective systems of accountability. The public and its elected representatives must have assurances that tax monies are being well-spent; agency managers must have access to good sources of information about agency operations; and consumers of services must have a basis for knowing whether the services they receive are appropriate and meaningful.

The need for transparency and accountability is even more urgent in the nation's jails and prisons, given they are closed environments with total control over human beings. These institutions primarily confine the most powerless and vulnerable, including poor people who are disproportionately African-American and Latino, as well as people with mental illness. If harm is to be prevented in these dark places, we must know what is happening inside. Indeed, the need for independent oversight of correctional facilities is so critical that the American Bar Association passed a resolution calling on every state and local jurisdiction in the country to develop effective independent monitoring bodies for their prisons and jails.<sup>1</sup>

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<sup>1</sup> American Bar Association, Report on Key Requirements for the Effective Monitoring of Correctional and Detention Facilities (2008), [https://www.americanbar.org/content/dam/aba/publishing/criminal\\_justice\\_section\\_newsletter/crimjust\\_policy\\_am08104b.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_policy_am08104b.authcheckdam.pdf).

When designed and funded correctly, an oversight body can provide an early warning system about patterns of complaints against certain prison employees, address concerns about inadequate health care or protocols for dealing with mentally ill inmates, highlight programs that are ineffective, point to areas for improved staff training, and identify policies that need to be adjusted. Strong independent oversight will likely result in safer jails for people in custody and employees alike, more effective rehabilitation programs, a healthier jail culture that supports positive outcomes, and taxpayer savings from fewer lawsuits and lessened recidivism.

The New York City Board of Correction is, in many ways, a model for correctional oversight. The agency has almost all of the fundamental criteria for effectiveness that I advocate for around the country: it is independent of the correctional agency; it conducts regular, routine inspections; it has unfettered and confidential access to facilities; it reports its findings and recommendations publicly; it takes a holistic approach to evaluating the treatment of prisoners; it conducts individual investigations and ongoing systemic monitoring; and the Department of Correction is required to cooperate fully. However, the Board of Correction lacks a critical piece for effectiveness: an adequate budget that is controlled by the agency itself (rather than by the Department of Correction or the political powers that manage it).

An adequate budget controlled by the agency is necessary to ensure the Board of Correction's independence and effectiveness. This principle is so fundamental that the ABA's resolution on oversight included this element among the key requirements it sets forth for an effective correctional oversight body.<sup>2</sup>

I urge the Charter Revision Commission to adopt its staff's recommendation to adequately and independently fund the Board of Correction. New York City should tie the Board's budget to that of the Department of Correction in order to ensure proportional and sustained correctional oversight funding.

Without strong, appropriately funded independent oversight, New York City will not have a jail system worthy of its values. The rest of the country is watching closely as New York City develops and implements its new vision for a criminal justice system that includes a plan to close Rikers Island; to be meaningful, that vision must also include a strong oversight agency that is independently funded.

Sincerely,



Michele Deitch  
Senior Lecturer

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<sup>2</sup> Id.