

Testimony of James C. Amis
Former Assistant Correctional Ombudsman

To members of the Correction Advisory Committee:

I was Assistant Connecticut Correctional Ombudsperson for 22 years, up until 2010 when the General Assembly repealed section 18-81r and terminated the ombuds services contract. Based upon those years of experience as a correctional ombudsperson, I urge the Committee and the person appointed by the Governor to consider the following questions

1. In view of the modest funding provided by the General Assembly, will the ombuds office establish a priority of service, addressing first the complaints from incarcerated persons before going on to respond to complaints of inmates' families and friends, or complaints from employees or the public? Will the ombuds prioritize complaints about matters within the authority of the Commissioner of Correction before going on to deal with complaints against the Attorney General, the Claims Commissioner, the Appropriations Committee, et.al.? From my experience as a Connecticut Correctional Ombudsman, at a funding level of \$400,000, responding solely to inmate complaints regarding will easily consume all staff resources.
2. Will the correction ombuds office require complainants to first exhaust the DOC's own internal Inmate Administrative Remedies, including its appeal systems? If not, the ombuds will be inundated with more complaints than the office can begin to handle. In addition, if there is no exhaustion provision, the Commissioner doesn't have a fair and reasonable opportunity to investigate and resolve the matter.
3. What will be the ombuds office's methodology for evaluating complaints that have been accepted for review? The previous ombuds office (from 1973 through 2010) generally asked the questions: what are the facts relevant to this particular complaint or allegation? What are the standards that apply? From a careful review of the facts and standards, we determined whether it appeared that the Department of Correction acted wrongly. If so, we advocated for the complainant and recommended a resolution. If not, we explained to the inmate why not. Depending upon the type of complaint, determining the facts might be simple, e.g. computation of a person's sentence credits and discharge date. In other cases, involving discretionary decision-making or involving an incident with inconclusive evidence, the facts were often elusive. The same was true of standards – statutes, court decisions, the DOC's own administrative directives. Sometimes the standards are clear and obvious; at other times not at all. What methodology will the new ombuds use? Will the standard be merely whatever the ombuds thinks or feels is fair or just?
4. Will the new Correction Ombuds be independent and impartial, or will the office be a special interest lobby, an advocate and activist, paid by the taxpayer to oppose the Commissioner of Correction, whenever the Ombudsperson's or Ombudsperson's supporters' sensibilities are offended? CGS Section 18-81jj and 18-81qq are not clear in this regard. Legislative intent ought to be examined. If the legislature wanted an advocate, perhaps the office should have been named Office of the Inmate Advocate in order to establish realistic expectations.

These questions will need to be answered in order for the ombuds office to be effective, realistic and enduring.

The Department of Correction performs one of the most important and difficult functions of government. Prisons are places in which abuse of authority can easily occur, and easily remain hidden from public view. I believe there should be a correctional ombudsperson permanently, at all times –

- regardless of the state's financial circumstances (the state is always looking for a program to terminate)
- regardless of the sitting governor's approach to criminal justice, rehabilitation, and punishment.
- regardless of the direction that political winds are blowing, or the pendulum is swinging (consider the remarkable shift from Commissioner Meachum to Commissioner Armstrong. Consider also that the legislature that enacted the new Ombuds law is the same legislature that approved the current Commissioner, approved the current DOC policies stated in its regulations/administrative directives, and approved appropriations for rehabilitation.)

I hope the new Ombuds office succeeds in establishing a workable methodology and focus that will support the values of the people of Connecticut and their representatives in the General Assembly.

Respectfully submitted,

James C. Amis