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The Promise and Challenge of Citizen Oversight and Visits to Prison

Submitted to the Commission on Safety and Abuse in America's Prisons
Hearings on Oversight, Accountability and Other Issues

Los Angeles, California

February 8-9, 2006

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I am pleased to submit this statement to The Commission on Safety and Abuse in America's Prisons. I am sure the invitation to do so came to me as Executive Director of the John Howard Association of Illinois, one of the three established statewide organizations dedicated to visiting and inspecting these institutions. If so, it may have been misdirected. For while the Association's history as an organization which sponsors these visits is rich and long, mine is less so.¹ I have been with the Association only four months. For the previous quarter century I have looked at incarceration as, mostly, the outcome of criminal and juvenile courts processes. For the last 19 years I directed The Sentencing Project in Washington, D. C. which has had a lot to say about how incarceration is used, and for whom, in this country. But I am not a corrections expert by any stretch of the imagination. Nor am I an historian of corrections reform. If I can offer anything relevant and useful to the Commission, it may only be that, as part of the decision to come to the John Howard Association in the first place, and then, once here, to help its Board of Directors define the Association's direction and activities, I made my own inquiries into the role private citizens have played as overseers or critical observers of the modern prison and as a public voice on behalf of prisoners. Still very much a work in progress, I am honored to share my observations as they exist at this point.

My own inquiry began, naturally enough, with the man after whom this Association, and many others, is named: John Howard, an Englishman who lived 1726 – 1790. I was quickly drawn to look back at antecedents of citizen oversight which predated John Howard's own prison reform activities by nearly a century, and then to the development of prison reform which followed him, the direction of which seems to me to have had a major and limiting impact on citizen oversight. I was curious, of course, about the John Howard Association's own role in Illinois' tumultuous, sometimes tragic and sometimes uplifting corrections history. I had been alerted by some Board members and others with whom I spoke to concerns about the Association's independence, its credibility as an advocate for inmates and as a reform agent in the political process, and I have wanted to understand this. Last but far from least, as a new Executive Director I am deeply concerned about the relationship between these issues and funding for the organization's activities. These are the issues I will attempt to discuss in this presentation.

John Howard

The man whose name was adopted by the leading British prison reform organization nearly a century after his death, by scores of similarly-motivated organizations in England, Canada and other Commonwealth countries, and in the United States, in Illinois and Hawaii, was born to

¹ In this regard I am indebted to Charles A. Fasano, Director Prison and Jails Program at the John Howard Association of Illinois, and a source of much of the history and knowledge of detail that I lack. He remains faultless for any errors or omissions I have committed in this paper.

property and wealth in 1726. His life as a prison reformer began only in his 47th year, when he was appointed Sheriff of Bedford. He then took it upon himself to visit the jail for which his office was nominally responsible, to find generally appalling conditions and, most striking to him, the practice of keeping prisoners who were debtors or who were acquitted of the charges against them until they paid their jailor for their room and board. Prisoners who could not pay, and had no one to pay for them, were not released. Challenged to compare the practices in his county to those in others, he began a peripatetic mission which ultimately took him to nearly every English county, most of the continent, and, ultimately, to Russia. There he died in 1790 from disease contracted while purposefully exposing himself to prisons in which plague victims were confined.

John Howard's driving force is not completely clear. He has been idealized as a model humanitarian, the subject of books written to inspire young boys.² A ready explanation for his interest in prisons lies in his experience of being captured and miserably if relatively briefly imprisoned by the French while traveling overseas as a young merchant in 1756.³ It is true that after his release he persuaded English authorities to intervene in the treatment of prisoners taken at sea, but otherwise he remained distant from prison issues until his appointment as Sheriff 17 years later.

There are other factors. Howard's own childhood was unhappy. He married and was widowed twice, the second time four days following the birth of his son, with whom his relationship was markedly poor. This has been attributed by some to John Howard's own rigidity and near compulsive desire for order.⁴ The son developed severe mental illness and was, eventually, institutionalized under constant care. Howard was a benevolent landowner, generous to his employees but demanding a high degree of order and compliance. He had many admirers but few close friends. He was an unsuccessful politician. In making his surveys of prisons he traveled alone, making all of his own observations and notes.

John Howard was no doubt a friend and benefactor of prisoners, driven to some degree by the plight of those he saw surviving in terrible conditions for long periods of time, often for failure to pay a debt. But critical reviews of his work note that his reforms were directed at the design, management and establishment of order in prisons, not unlike his demand for order in other spheres of his life. In contrast to the few other contemporary reformers, Howard focused less on the offender incarcerated in the prison and more on the healthiness and efficiency of the institution. "If he found an institution well managed and clean, he was full of praise for it. He had nothing more to inquire of its inhabitants. He had an almost sublime faith in the ability of institutions with a common shape and regime to solve social problems." Particularly, Howard

² *The Story of John Howard, The Prison-Reformer* (T. Nelson and Sons, London, 1899)

³ Chris Schneider, "John Howard," in *Prison Encyclopedia*, Mary Bosworth, ed. (Sage Publications, 2005)

⁴ Rev. H. W. Bellows, "John Howard: His Life, Character and Service" lecture delivered at the International Penitentiary Congress in London, July 1872; reprinted by the John Howard Association (Chicago 1948), presenting a harsh description of John Howard's insensitivity to his son and other's state of mind and "obtuse to the actual feelings and tendencies of his child." P. 19.

was offended most by, among other institutional characteristics, “evidence of disorder and inattention ... and the unregulated boundary between the prison and the community⁵.”

John Howard’s magnificent contribution was his two volumes of findings. The first of these, *The State of the Prisons in England and Wales* published in 1777 caught the public eye more than any other work of the time. His prose was unexciting, a compilation of observations and facts striking for their dryness. Yet somehow his books conveyed the passion that drove John Howard to heroic task, inspiring public sentiment for change. Along with John Howard’s own testimony to Parliament, his books prompted changes in law, design, and governance of English prisons.⁶ They are monuments to the power of dispassionate, objective, fact-driven prose in criminal justice reform.

Measured by the singular manner in which he fulfilled his own mission, John Howard was neither an example of, or harbinger for, programs of citizen visits to prisons such as have been sponsored by the John Howard Association of Illinois and other prison reform organizations. His work more correctly inspires evaluations and visits undertaken by professionals, certainly by persons experienced in the design, regulation, and operation of correctional facilities such as he quickly became in his own time. What sets Howard off from others, and what he suggests for those who seek reform today, was the success he had in reaching through his careful, measured yet powerful written work both the public and the policymakers of his time.

Credit for establishing a program of citizen visits might better be given Elizabeth Frye, an English leader in the effort to separate women from men inmates and instigator of a program of “Lady Visitors” in England and the United States in the 1820’s. However, the goal of “Lady Visitors” was to provide women prisoners with the benefit of moral counsel by middle class ladies, not to observe or evaluate conditions of their confinement.⁷

Bridewell and the Antecedents and Demise of Citizen Oversight and Visits

As far as I can determine, the concept of citizen oversight of prisons emerged, in England at least, in nearly the same room and at the same time as did the vision of the modern prison.

In the 16th Century agricultural and social changes drove displaced peasants and ill or otherwise disadvantaged people into the city of London. Prompted by clerical leaders, Edward VI called upon the Mayor of London to address the needs of the thousands of poor people crowding city streets and to forestall the disorder, public begging, and crime that ensued. The Mayor appointed a kind of citizen’s commission comprised of business and civic leaders. It may have been the first such commission intended to develop corrections policy.

⁵ Randall McGowan, “The Well-Ordered Prison: England 1780-1865” in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, op. cit., Ch. 3; p. 79-80.

⁶ Randall McGowan, “The Well-Ordered Prison: England 1780-1865”, op. cit., at p. 78; see generally the biographies and accounts of John Howard’s life.

⁷ Lucia Zedner, “Wayward Sisters: The Prison for Women” in *The Oxford History of the Prison*, op. cit., Ch. 11, pp. 295, 300.

The Mayor's commission developed a scheme that built or obtained charitable services of orphanages, hospitals and what we would consider homeless shelters to serve the larger portion of the population. For those who the Commission felt to be undeserving or able but unwilling to support themselves, including able bodied criminals, it devised plans for a prison with characteristics easily recognizable today: a secured setting in which individuals are incarcerated as punishment, placed according to a system of classification, and with an eye and purpose toward their rehabilitation or preparation for return to the community. No similar institution existed in England, the jails of the time being holding places for those awaiting trial or execution.

London's new prison was created at Bridewell, an unused castle built by Henry VIII and donated to the city by Edward VI in 1553.⁸

The Mayor's commission recommended, and the King's Charter establishing Bridewell adopted, a Board of Governors who served by appointment to oversee the institution's operation. The Board of Governors was also to be drawn from business and civic leaders. The Board's authority was wide: it extended over officers appointed to arrest and detain offenders, over the conduct trials and the imposition of sentences, for accounting for monies spent and contracts let, and over the operation of the prison itself, including, for the first time in any English jail or prison, a program of labor, education, training and apprenticeships for prisoners.

At Bridewell, it appears that the appointed Board of Governors did for some time serve its intended purpose. Governors investigated mistreatment of prisoners, misappropriation of funds by officers and staff, and mismanagement of the prison generally, and made corrections. It also appears, however, that some Governors themselves abused the authority vested in them, profiting and directing contracts for apprenticeships, which provided cheap labor and labor for tasks to menial for free Englishmen and women to voluntarily take on to friends or for a payoff.

To the limits of my knowledge, the concept of an outside Board of Governors was not widely duplicated among the 200 English prisons⁹ which copied the original Bridewell in many other respects. With some exceptions found in Acts of Parliament regulating the administration of jails, their operation remained in the hands of local sheriffs and courts.

Ironically, the prison reform movement that followed in England in the 1700 and 1800's, focused on establishing order, regulation of the inmates life in all respects, and separation between inmate and the his or her community. On this point, John Howard was of one voice with other English reformers who advocated curtailment of communications among prisoners and total separation between prisoners and even a glimpse of the outside world, the better to reach them with the moral influence of the Christian message.¹⁰ Citizen visiting and oversight of prisons was simply inconsistent with this "reform." It is no surprise that Elizabeth Frye's efforts to

⁸ William Hinkle, *The History of Bridewell: 1573-1700* (Mellen Press, Lewiston, New York, Forthcoming 2006) I am indebted to William Hinkle for the opportunity to review his book in manuscript.

⁹ William Hinkle, *The History of Bridewell: 1573-1700*, op. cit., Manuscript p. 37

¹⁰ Randall McGowan, "The Well-Ordered Prison: England 1780-1865", op. cit., at p. 91.

provide individual contact between women inside and outside prison were discouraged by prison administrators as little more than “amateurish meddling.”¹¹

Citizen Oversight and Visiting in the United States

It is well known that waves of prison reform washed back and forth across the Atlantic just at the time of American independence. The famed Walnut Street Jail, established right after the revolution in Philadelphia, implemented total separation and the Quaker ideal of absolute isolation interrupted only by the soothing words of a minister as the best means of reforming the criminal. The Auburn prison, established later in New York, imposed separation from community but permitted communication among prisoners. As was the case for Bridewell, the objective of these new prisons in the American democracy was rehabilitation. The disagreement was over the best means of obtaining this objective, but, as in England, reformist policies were at odds with outside oversight and citizen visits to prisons. In addition, as the 19th century advanced, the increasing number of state prisons required central administration and systematic approaches to achieve their rehabilitative model, and to address problems ranging from use of uniforms, the role of work and hard labor, and discipline.¹²

There were few ventures into citizen oversight or organized visiting. In Philadelphia, a reaction among civic leaders of the stature of Benjamin Franklin and Benjamin Rush to the construction the physically imposing Walnut Street prison led to formation of the Philadelphia Society for Alleviating the Miseries of Public Prisons, later renamed The Pennsylvania Prison Society. The Society was to serve as a check on the exercise of discretion by prison administrators,¹³ something akin to the role formally assigned Bridewell’s Board of Governors more than 230 year previous. The Society obtained access for its members to the prison and to prisoners.

But the Society, too, was committed to the reform ideal of separation. Finding the Walnut Street prison far too small, it succeeded in having the state build a new and technically advanced prison, ultimately called Eastern State. As for Bridewell, the prison was designed under the oversight of an eleven member commission, the majority of which were drawn from Society membership. Under the authority of state legislation, Society members visited inmates, receiving criticism of their effectiveness similar to that leveled at Elizabeth Fry, but hopeful that their presence at least mitigated the worst of possible abuses and neglect behind prison walls.¹⁴

New York State also took a substantial step toward citizen oversight and a formalized citizen visiting program. In 1846, at the behest of civic leaders, the New York legislature granted authority to visit prisons and report on findings to the Correctional Association of New York, whose representative is appearing before this Commission. Visits are conducted by persons

¹¹ Lucia Zedner, “Wayward Sisters: The Prison for Women”, op. cit.

¹² David J. Rothman, “Perfecting the Prison: United States, 1789-1865” in The Oxford History of the Prison, op. cit., Ch. 4; pp. 105-111.

¹³ Norman Johnston, Ph. D., “Prison Reform in Pennsylvania,” website of the Pennsylvania Prison Society (2005).

¹⁴ Norman Johnston, id.

approved by the Association, which enables the Association “to shine a spotlight on the dark corners of the prison system by countering debilitating conditions and promoting effective prison programs.”¹⁵ New York, as all other states except Pennsylvania, does not mandate prisons to admit Association members.

The impetus behind both the Pennsylvania Prison Society and The Correctional Association of New York reflect the same sensibilities that prompted the civic leaders who designed the first prison, Bridewell, to establish an independent Board of Governors. Each group of civic leaders perceived prisons as closed institutions over which some external “civilian” oversight is desirable in order to minimize the risks of financial and administrative mismanagement or fraud, to assess and advance the goal of rehabilitation of prisoners, and to guard against inmate abuse.

The concept of an independent Board of Governors with oversight responsibilities and of state-wide programs of prisoner visits by interested citizens was overwhelmed by stronger forces. The consolidation of administrative authority within prisons, which commenced in England as part of the reforms urged by John Howard and others, continued in the United States through the early 19th Century. The decline of prison conditions in the latter part of the century, marked by overcrowding, increasing incarceration of immigrant groups and, in the south, African Americans, led to a virtual abandonment of rehabilitative goals. New reform efforts in the early, Progressive decades of the 20th Century often involved revisions in systems of classification and the provision of treatment programs which were in turn overwhelmed by the sheer numbers of inmates committed to prisons. Also in the name of reform, states created huge prisons -- the “Big House” -- holding 1,000 to 4,000 or more inmates.¹⁶ In these contexts, it is difficult to obtain any level of receptivity to the notion of either oversight by an independent Governing Board or to a program of citizen visits to prisons. Prisons were either failing miserably and corrupt, in which case it would be surprising to see them admitting inquisitive citizens, or, during periods of reform, under the sway of professional corrections administrators, professional penologists, or sociologists, few of whom would likely be receptive to “amateurish meddling.”

The John Howard Association of Illinois and its Contribution to Citizen Oversight

If at the turn of the last century, most of the United States were inhospitable to a citizen-based organization dedicated to prison oversight and reform, Illinois may have been a likely exception. In 1899 Jane Adams and her Hull House reformers succeeded in establishing the first state juvenile court. The predecessor to the John Howard Association of Illinois was incorporated by a group of progressive business and legal leaders two years later, in 1901.

¹⁵ “The Correctional Association of New York,” Correctional Association of New York, undated pamphlet; see also www.correctionalassociation.org

¹⁶ See generally, Edgardo Rotman, “The Failure of Reform: United States 1865-1965,” in The Oxford History of the Prison, op. cit., Ch. 6; pp. 151, 157-166.

The John Howard Association of Illinois was, first and foremost, an advocate of progressive criminal justice and corrections reforms. In 1902 the Association promoted development of reformatories for youthful offenders in a number of states other than Illinois. In years following the Association advocated for indeterminate sentences, establishment of adult probation departments in Illinois and in Chicago, a state parole law, utilization of pre-sentence investigations, construction of new jail and prison facilities, increased professionalism in corrections, prison industries, and, as early as 1916, a public defender system. In the 1940's the Association issued reports which described critically the detention of juveniles in adult jails and jailing of pregnant women. In 1950 an Association report called for an increase from \$10.00 to \$50.00 in the "gratuity" given released prisoners.

The Association also provided a small but eclectic variety of direct services to inmates or defendants pre-trial. Service programs seem to have been of limited duration and tied to funding opportunities or special needs. Services provided included: assistance to young offenders facing a first conviction; supervision of boys released on parole from St. Charles' youth corrections center in 1918; operation of a volunteer legal aid program in the early 1920's; and, a federally-funded program providing bonding for ex-offenders as a way of gaining employment in 1967.

During its first half century, the Association inspected and prepared evaluative reports of a number of correctional facilities, some out of state. At least by 1910, the Association inspected county jails throughout Illinois, making recommendations based on its visits. In 1930 the Association is on record as having "investigated" police lockups and periodically engaged in efforts to improve these facilities, publishing reports in 1947-1949. It is not clear to me, at this time, the extent to which the Association sponsored citizen visits to any correctional institutions in its early years.

There is little record of the Association having critically reviewed Illinois' state prisons during much of this time. The reasons seem clear. The Association's relationship with the administration at Illinois' most significant prison at Stateville during the autocratic reign of Warden Joseph E. Ragen (1942 – 1961) was described by social historian James B. Jacobs as "harmonious," with significant details: While as a general rule Ragen barred outsider contact with his institution, turning down grant money rather than to allow entry by people not under his employment, he permitted the John Howard Association "infrequent access" in exchange for regular support of his policies. Regan wrote the Foreword to the Association's 1948 reprint, *John Howard: His Life, Character and Service* at which time he was serving on its Board of Directors. In 1955 the Association reprinted a ten-part *Chicago Tribune* series glowingly favorable toward Ragen.¹⁷

Regan left Stateville in 1961 but remained as head of Illinois corrections until 1965. In 1967, the John Howard Association gained what Jacobs called a "more militant" leadership with the appointment of Joseph R. Rowan as its Executive Director, ending a "cozy" relationship with Stateville and the Department. In 1968 the Association issued a report vigorously faulting the

¹⁷. James B. Jacobs, *Stateville: The Penitentiary in Mass Society*, (University of Chicago Press 1977) at pp. 33, 36. Rev. H. W. Bellows, "John Howard: His Life, Character and Service" op. cit. at n. 4.

prison system for its failure to implement formal counseling services for inmates. In 1970 the Association issued a major report calling for wide-ranging improvements including the addition of teaching staff, counselors, and programs for inmates and increased pay for guards. The press release that accompanied the report was complimentary of the new administration at Stateville, and the Association's contact with Stateville continued intermittently.¹⁸

The Association's "more militant" regime had other impacts. In 1967 the Association also issued reports on conditions at the Cook County jail sufficiently critical to prompt a 1968 Grand Jury investigation. In short order a major bond measure to improve jail conditions passed and the Jail Warden resigned. In the mid-1970's Association staff were actively conducting surveys and preparing reports on the Cook County Jail, the Juvenile Detention Center, and Illinois Youth Centers.

In 1972, the Association published a report titled, "Probation in Illinois – A Politically Entrenched Overburdened 'Non-system'."

In 1973 the Association's leadership again changed with the appointment of Ira M. Schwartz as Executive Director. Then in 1974 the Association published a report detailing brutality against inmates at the Department of Correction's youth facilities. This time the Association paid a price for its criticism. Calling the report "irresponsible," the Department banned the Association from all state corrections institutions.¹⁹

In the years following its exclusion from Illinois prisons, the Association issued reports which by title appear to be more technical than investigative in nature. They addressed the administration of juvenile detention and youth services and offered plans for improvement in the administration of adult corrections in locations from Florida, Virginia, Ohio, Wisconsin, Utah, and Colorado, as well as Cook and other Illinois counties.

Beginning in the 1970's federal funds became available to non-profit organizations to support professional and technical studies prepared on a consultant basis for local and state legislatures and agencies. Doubtless some portion of the consulting in which the Association engaged was paid for with federal or state monies. In 1977, Michael Mahoney was appointed Executive Director. The Association published a report on overcrowding in Illinois prisons, a phenomenon that reflected sentencing trends rather than the quality of prison administration. The Association continued to conduct an ambitious number of consultant studies throughout the 1980's and 1990's in a number of other states. In time, it could claim that it had provided consulting services in over 33 states, the income of which provided a "major portion" of its annual budget.

According to files I have reviewed, by no means a complete listing, it appears that with the increase in consulting in the mid 1970's the roster of policy innovations for which the Association advocated thinned considerably from the list of those advocated in earlier years.

¹⁸ James B. Jacobs, *Stateville: The Penitentiary in Mass Society*, op. cit., at pp. 80, 93-94, and 263 n. 58.

¹⁹ James B. Jacobs, *Stateville: The Penitentiary in Mass Society*, op. cit., at p. 263 n. 58

Shaping the Future of Citizen Oversight of Illinois' Jails, Prisons and Juvenile Facilities

In recent years, the John Howard Association has decreased its consulting arrangements to the point that none exist between governments or correctional agencies. It receives government monies ordered paid to it for its monitoring role in juvenile facilities and jails, a different dynamics and one that is more removed from either the appearance or the reality of being beholden to the institutions the Association is chartered to observe critically.

The Association maintains a program of prison visits, bringing upwards of a thousand volunteer citizens into jails, prisons, and juvenile facilities throughout the state. There is an awareness that the Association's visiting teams are admitted at the discretion of the Department of Corrections, a desire to cooperate with the Department, and a concern with a continuing perception that the Association will not, or cannot, fully investigate more significant claims of abuse or publicly describe deficiencies it might observe in the state's prisons.

The Association also receives hundreds of letters and communications monthly from inmates. These raise all manner of issues, from claims of unjust convictions, which the Association must refer to the few lawyers who will take such cases, to allegations of medical neglect and illegal punishment. Some of these Association staff and volunteers address with a letter or a phone call; others cannot be satisfied. These letters document the need for the Association's work. The evidence I have seen is that the current Department of Corrections has improved conditions in several respects in recent years, that individual Wardens have established good programs and run their prisons fairly by contemporary standards. Yet precisely for the same reasons that London's leading citizens saw fit to incorporate citizen oversight into the administration of Bridewell, there will always be claims of neglect, lack of fair treatment, and abuse from behind prison walls; and some of these, we know, will be justified.

Perhaps most striking, it is important to recall that in the last 30 years America's prison population increased more than six-fold. An Illinois prison population of approximately 7,000 inmates in the 1970's now tops 44,000. The pressures of overcrowding that frustrated reforms in previous centuries, frustrate education and treatment programs today. If corrections is, as it seems, more professional and less brutal than it was, in Illinois, three decades back, there are so many more inmates that the John Howard Association, smaller than it was though more focused on inmate issues, can not hope to adequately respond to all cries for assistance.

The Association is more alone in pursuit of its mission to assist prisoners than it once was. Illinois was home to a number of prisoner advocacy organizations; most of these have slipped away from lack of funding. Illinois is home to many fine legal advocates, but the PLRA, whose impact will be described to this Commission by Alvin Bronstein, has limited the ability of good lawyers to obtain fair payment for their services on behalf of inmates who may have suffered at the hands of the state.

The Association has also received substantial support from the Annie E. Casey Foundation and, currently, from the John D. and Catherine T. MacArthur Foundation to support a major

participatory role in efforts, first, to reduce the juvenile detention population in Cook County, and, more recently, to reform juvenile justice, including the administration of state and county juvenile correctional facilities. These grants have been critical and have permitted the Association to pursue that portion of its mission which has been dedicated to improving juvenile justice in Illinois. The fact to be considered by the Commission is that foundation grants such as these are somewhat haphazard. Both Foundations chose to work in only five or less states; worthy organizations doing similar work but located in other states cannot benefit from these resources.

All of this leads to my resolution, for the moment, of exactly where and how we should proceed. Indeed, the model of advocacy created by our namesake, John Howard, is to be followed. Our coin in today's environment is careful fact finding objectively reported to support recommendations of policy changes where needed to benefit inmates, correctional staff, and the public. The same standard should support, when necessary, the demand that wrongs and injustices against prisoners, once documented, be righted.

In Illinois, as I see it, the role of the citizen observer remains vital to our mission. For one thing, we cannot pay for the hours of observation and conversation with inmates that the Association's teams of volunteers provide. For another, each citizen who visits a detention center, jail, or prison becomes a valued public witness of what very few citizens actually see. These citizens are a voice that will help assure that corrections operates consistently with contemporary standards, and a voice among the general public capable of describing life behind bars. The importance of the citizen's role, as I see it, cannot be underestimated. It is a tragedy with ironic tones that conditions, including the introduction of reforms such as were heralded by John Howard, have discouraged citizen oversight of, and citizen visits to, prisons.

How, then, to pay for the Association's citizen-based oversight and visits behind prison walls? As a century-old agency, the John Howard Association of Illinois receives private support from business, law, and private individuals. Whether or not these resources can be maintained, they are probably not available in most states where the tradition is lacking.

An organization with the John Howard Association's mission cannot be directly funded by the agencies it is charged to critically observe. It is enough of a challenge to avoid the potential threat that such an organization might be barred from prisons, as has happened here. Only a grant that is unconditional and to some extent irrevocable could be accepted without concern that a conflict would result and credibility, if not actual advocacy, would suffer. On the other hand, the monitoring of conditions and critical independent review which an organization such as the John Howard Association provides in the course of its work has a value to state and local officials and prison administrators. So in a sense, it would be only fair if the Association were reimbursed by government.

The prospect of obtaining income through consulting fees for work done, as was once the case at the John Howard Association, poses more complex issues. In my view, work out of state might avoid an obvious conflict, and provide the opportunity to make use of staff expertise in different settings. But the time spent on such work is time not spent attending to the needs and the

situation that confronts Illinois inmates and their families and communities. Some consulting can be accomplished without fear of compromise to “please the client,” but other tasks cannot, and there is always the question of whether or not an aggressive stance in one instance will lead to the loss of a future consulting client.

Conclusion

None of these questions about access to prisons, independence, preservation of credibility, and funding are easily resolved. Nor are they fully resolved in this paper. It is my hope, simply, that the paper will encourage the Commission to endorse independent citizen oversight and monitoring of correctional institutions. I hope the paper will help to make clear that historical obstacles not related to the merit of citizen oversight have frustrated its development to anything close to its potential in this country, and that citizen oversight conducted by independent organizations will contribute to the efficiency and successful functioning of corrections. Certainly I hope that the Commission will find that the value of citizen oversight justifies tackling problems of funding and independence which must be overcome if it is to be vigorously maintained.

Respectfully Submitted

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(The opinions and conclusions presented in this paper are those of the writer and do not necessarily reflect positions taken by the John Howard Association of Illinois or its Board of Directors)