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Subject: Public comment
Date: Tuesday, September 2, 2025 11:27:27 AM



September 1, 2025

Connecticut Correction Advisory Committee

c/o Judiciary Committee

L.O.B. Room 2500

Hartford CT 06106

Re: Public Comment for quarterly meeting, September 4, 2025

Dear Committee Members:

The Correctional Ombuds statute and Ombuds appropriation are

remarkably unrealistic. The current expectations of the Ombuds are such that only a budget of perhaps \$10,000,000 would be adequate. Those expectations need to be drastically reduced. The General Assembly - and the general public - will never approve expenditures to cover the current statutory aspirations. The current appropriation is either naïve or cynical. The Ombuds must, however, respond to as many individual inmate complaints as possible.

How can the work of the Ombuds be made more manageable? First, most complaints from incarcerated persons can reasonably be declined (not accepted) for review because those complaints:

- Are in regard to an issue that is beyond the authority of the commissioner of correction, for instance actions of the police, the courts, the state's attorneys, public defenders, claims commissioner, *et. al.*, - and for that matter, actions of the General Assembly such as failure to sufficiently fund prison medical care.
- Are not directly from an incarcerated person. (Complaints from relatives, friends, activists, organizations should be rejected.)
- Are vague.
- Are green: the complainant has not made a reasonable effort to use the Department's own administrative remedies to resolve the matter.
- Are stale: the matter occurred too long ago to have a meaningful resolution

Second, of those complaints that *should* be accepted by the Ombuds for review, the majority do not merit a formal recommendation to the commissioner or legislature because, after examination of the relevant facts and standards, there is insufficient basis to conclude that the Department of Correction acted wrongly. In other words, there is insufficient basis to conclude that the Department of Correction did something

- That exceeds the legal discretion afforded to the commission of

correction

- Contrary to the Department's own administrative directives,
- Contrary to statutory or case law.
- So heinous that it would offend community standards.

The ombuds should not evaluate a complaint simply in terms of "what would I do if I were the commissioner."

I was assistant ombuds for 22 years. Even with the criteria above, the office received thousands of complaints, and even a staff of six full-time ombudspersons was unable to adequately respond to all complaints. We did, in most instances, at least acknowledge receipt of complaints. The more complaints we resolved in the complainants' favor, the more we received. It's likely 66 ombudspersons would have been insufficient, because there were about 18,000 incarcerated persons with a wide variety of issues.

People serving a sentence or accused of crime don't like hearing that the commissioner did not act wrongly. Further, the administration doesn't like hearing that it acted contrary to law or its own policies. (The public's opinion is mercurial and can easily swing toward "get tough on crime" ala John G. Rowland.) A correctional ombuds is like an umpire – doesn't own the teams, doesn't make the rules, doesn't coach or manage, but simply makes determinations about fair play. The rules are of course, biased in favor of the state. The "old" ombuds 1973-2009 recommended in favor of three unpopular complainants in 2008 regarding a Disciplinary Report; this call probably helped lead to the demise of the office and repeal of CGS 18-81r.

Conn. Gen. Statutes Sec. 18-81 vests the commissioner with substantial and broad discretion to run the Department as he or she sees fit. It's a misnomer to say that the Ombuds has oversight. The commissioner oversees and supervises every aspect of corrections, all staff, all programs, all investigations, all policies. Similarly, accountability is a term easily misused. The commissioner of correction is directly accountable to the

governor, indirectly to the judiciary committee's "cognizance" - accountable occasionally to the courts, and vaguely, to public opinion. The Ombudsperson might shape these entities' understanding of prison issues, but clearly the commissioner and Department are not accountable to the Ombudsperson. If the public and their elected representatives want it otherwise, they can and should take action. Meanwhile the committee should take realistic steps to do what is manageable.

Respectfully submitted,

James C. Amis