



**Written Testimony of Molly Gill**  
Vice President of Policy, FAMM  
**In Support of SB 994**  
Virginia House Appropriations Committee  
February 13, 2023

I thank the Chair and members of the committee for the opportunity to provide written testimony in support of SB 994, a bill to establish an independent ombudsman to provide oversight of the Virginia Department of Corrections (VADOC). I write on behalf of FAMM, a national sentencing and corrections reform organization. **FAMM supports SB 994 and urges the committee to pass the bill.**

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Among the policies we advocate is the establishment of independent prison oversight bodies in each state. Most of the Virginians who support FAMM have loved ones incarcerated in a state prison, and their top concern is that loved one's safety, health, and rehabilitation. Yet we consistently hear from our members that state prison facilities are unsafe, unsanitary, and lack sufficient medical and mental health care, staff, and rehabilitative programming. Virginia families almost uniformly report to us difficulties in getting information about and help for their incarcerated loved ones from the staff and administration at the VADOC. The independent prison oversight envisioned in SB 994 will provide the transparency and accountability these families and taxpayers need and deserve.

**Oversight can operate at minimal cost – the equivalent of less than one percent of the entire VADOC annual budget.** In 2021, a study determined that a fully independent Ombudsman Office similar to those operating in other states could be established for \$3.4 million in the first year, with an operating budget of about \$1.6 million per year after that.<sup>1</sup> A \$1.6 million budget is the equivalent of approximately one-tenth of one percent of the annual VADOC budget.

Americans of all political persuasions intuitively understand the value of increased transparency and accountability in prisons: **in a recent national poll, 82 percent of Americans agreed that every prison system should have independent oversight.**<sup>2</sup> Independent oversight is long overdue for VADOC, an agency with a \$1.4 billion annual budget, 23,000 incarcerated people in its care, and more than 11,000 state employees on its payroll.

Lawmakers benefit greatly from independent prison oversight. A prison ombudsman can be the eyes and ears of the legislature 365 days a year, reporting back on how prisons are really

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<sup>1</sup> Study available at <https://famm.org/wp-content/uploads/2021-12.01-Ombuds-Final-Report.pdf>. See page 45, Option 2. The larger first-year sum includes one-time information technology outlay that the office would require.

<sup>2</sup> Public Opinion Strategies, National Survey on Prison Oversight conducted for FAMM July 29-Aug. 3, 2022, <https://famm.org/wp-content/uploads/FAMM-National-Survey-Key-Findings.pdf>.

operating and how money is really being spent. Lawmakers need this steady feedback and insight into a large, expensive agency that can often be opaque and unresponsive.

Prisons are some of the darkest places, and sunlight is the best disinfectant. To be an accountable, transparent prison system that keeps us safe and has our trust, every prison system should be subject to oversight by an independent body that has “golden key access” to monitor and inspect facilities (announced or unannounced), address prisoner grievances and investigate complaints, provide recommendations for improvements, and make its reports and findings available to the public and to lawmakers. SB 994 would achieve these goals.

The ombudsman envisioned in SB 994 is similar to other fully independent prison oversight bodies in Washington State, Ohio, Pennsylvania, and New York.<sup>3</sup> States as varied as Missouri, Mississippi, Maryland, Nebraska, and Arizona, among others, are currently considering similar prison oversight legislation.<sup>4</sup>

Some may oppose independent oversight by claiming that it is unnecessary because of existing oversight mechanisms. While there is value to other forms of oversight like audits, accreditation of facilities, or Prison Rape Elimination Act (PREA) inspections, these events are sporadic, often announced in advance (giving officials time to hide or fix problems beforehand), and limited in scope. The VADOC’s internal oversight efforts are laudable but lack the objectivity that only an independent investigation from an outsider can bring.

Permanent, full-time independent prison oversight is needed. It can save lives and stop small problems from turning into bigger ones that trigger expensive lawsuits. Prisons operate 24 hours a day, 365 days a year, with public safety and the lives and well-being of tens of thousands of staff and incarcerated people hanging in the balance. Corrections staff and incarcerated people and their families have daily concerns about health, safety, access to medical and mental health care and rehabilitative programming, lack of responsiveness to complaints, and other issues that can compound to become long-term, system-wide problems. Neglected daily concerns of both corrections staff and incarcerated people can even be life-threatening. An annual audit, accreditation, or inspection is insufficient to identify and fix the problems and shortcomings staff, incarcerated people, and their families are living with day-in and day-out.

Independent oversight benefits everyone it touches. Corrections staff deserve a safe, healthy work environment and need a place to go with complaints that, for whatever reason, are squashed, unanswered, or ignored by the administration. Incarcerated people have a constitutional right to a safe, healthy, humane prison environment and need a place to go when the VADOC grievance process breaks down or they have no safe place to turn to for help. Families of incarcerated people need someone to call when they cannot get help for their loved

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<sup>3</sup> For a complete list of current independent prison oversight authorities, see Michele Deitch, *But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States*, at 259, <https://utexas.app.box.com/v/ButWhoOverseestheOverseers>.

<sup>4</sup> FAMM, *Prison Oversight Legislation Tracker*, <https://docs.google.com/spreadsheets/d/1bQLE3bPPNU2IInTqDPBXnLBoaCcaZ-6qSwT3AEJVuZ4/edit#gid=1674058966> (last updated Jan. 20, 2023).

one despite following all of the VADOC's rules. Oversight encourages increased professionalism at every level of an agency. **Oversight is not about blame; it is about better performance.**

**We hope the legislature will adopt SB 994 this year to begin making the state's prisons more transparent and accountable.**