



**Written Statement of Molly Gill
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Virtual Public Hearing Before the
House Appropriations Committee and Senate Finance and Appropriations Committee -
Central Virginia (Richmond)
January 5, 2022**

I thank Chair Torian, Vice Chair Sickles, Chair Howell, and the members of the committees for considering this written statement regarding Virginia's 2022-2024 state budget.

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 from and help for their incarcerated loved ones from the staff and administration at the Department of Corrections (DOC). Prison oversight will provide the transparency and accountability these families and taxpayers need and deserve.

In the 2021 session, the legislature considered HB 2325, a bill filed by Delegate Patrick Hope that would, if passed, establish an independent ombudsman's office with the power to inspect prisons, recommend and monitor improvements to prison conditions and facilities, and help resolve prisoner, staff, and family complaints. The ombudsman envisioned in this legislation is similar to other prison oversight bodies in Washington State, Ohio, Pennsylvania, and New York. But an independent prison oversight agency requires staffing and funding to execute its duties well. Oversight is not free – it will require annual and ongoing appropriations in the state's budget. **FAMM urges the legislature and governor to create and fully fund independent prison oversight as soon as possible.**

While considering HB 2325, the legislature ordered the Department of Public Safety to complete a study of the potential costs of establishing and operating an independent prison ombudsman's office in Virginia. The study concluded that **for an annual appropriation of \$3,438,383, Virginia could have an independent prison ombudsman's office similar to those operating in other states.**¹ This cost estimate included sufficient ombudsman staff to perform both prison inspections and complaint investigations, along with an IT budget and funding for several DOC staff positions to provide the necessary security and other assistance to the ombudsman office.

¹ Study available at <https://famm.org/wp-content/uploads/2021-12.01-Ombuds-Final-Report.pdf>.



Independent prison oversight is not free, but the cost of doing nothing is much higher. The value of fully-funded, effective independent oversight is difficult to measure but undeniable – a classic example of “an ounce of prevention is worth a pound of cure.” Every complaint resolved by an independent ombudsman is a lawsuit the state does not need to pay for. Prison inspections can stop small problems from turning into costly crises and literally save lives.

Virginia cannot afford *not* to have independent prison oversight. Already, the DOC is embroiled in expensive, years-long litigation over the use of solitary confinement in prison facilities. In the last three years alone, the DOC has cost taxpayers dearly for mistakes and shortcomings that adequate oversight might have prevented or ameliorated, for example:

- In 2019, after four inmates died at Fluvanna Correctional Center for Women, a federal judge ruled that the state prison in central Virginia failed to provide adequate medical care and had to make immediate changes to end what amounted to cruel and unusual punishment.
- In 2020, after weeks of intense negotiations with the Office of the Attorney General, the ACLU of Virginia and Charlottesville attorney Elliott Harding reached a settlement agreement. The lawsuit alleged that Virginia violated the U.S. Constitution by failing to release medically vulnerable residents of state prisons from overcrowded facilities during the COVID-19 pandemic.
- In January 2021, the state paid \$150,000 to settle a lawsuit against the VADOC. “The case involved a mentally ill inmate allegedly held in solitary confinement for 600 days leading to his mental and physical collapse.” Earlier that month, there was a \$115,000 settlement in a suit filed by Nicolas Reyes, 55, allegedly held in solitary confinement for 13 years.
- In February 2021, a civil rights suit was filed against VADOC over allegations that dogs had mauled incarcerated people in 2018.
- In April 2021, DOC faced a new lawsuit alleging mistreatment of Muslims at Virginia prisons.

In addition to preventing expensive lawsuits and settlements paid for by taxpayers, independent prison oversight would also help these committees assess DOC’s budget and other needs more accurately. An independent prison ombudsman could provide reconnaissance for the legislature, presenting thorough, reliable, and up-to-the-minute reports on the state of facilities and repairs, staffing needs, programming and food shortages, security risks, and dangerous conditions for staff and incarcerated people alike. This information would inform and guide lawmaker choices about how to improve the DOC and ensure that it operates on a sound and sensible budget.

It is, frankly, astonishing that the DOC, with its \$1.3 billion dollar annual budget and tens of thousands of Virginians in its care, does not already have independent oversight. Independent prison oversight pays for itself over time, and we urge the legislature to establish and fully fund this essential endeavor this year. Thank you for considering our views.