



**Written Statement of Maria Goellner
Deputy Director of Policy, FAMM
Hearing before the Michigan Senate Oversight Committee (Lansing)
Re: Michigan Senate Bill 493 Amending Legislative Corrections Ombudsman Statute
October 18, 2023**

Dear Chair Singh, Majority Vice Chair McMorrow, and members and staff of the [Michigan Senate Oversight Committee](#):

Thank you for considering our statement. [FAMM](#) is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families.¹ Our members in Michigan include people from all walks of life, including those with incarcerated loved ones or themselves returning home from prison. Many of our families have suffered from both incarceration and crime; experiences that are not mutually exclusive. We also support the work of [Michigan Citizens for Prison Reform](#). FAMM supports [Senate Bill 493](#) and asks for your favorable vote.

[Senate Bill 493](#) would increase transparency and accountability in the Michigan Department of Corrections (“MDOC”) and the existing [Legislative Corrections Ombudsman](#)’s office (“Ombudsman”). It would allow more people to file complaints for independent review, including family members of the incarcerated and correctional staff and contractors. It will implement uniform and easily accessible procedures and data reporting.

The bill would make the following changes to existing law:

1. **Name change:** Change the term “ombudsman” to “ombudsperson.”
2. **Change who can file complaints:** The bill, if passed, would add family members, prisoner advocates, and correctional employees and contractors to the list of those able to file complaints and seek review and investigation from the Ombudsman. There are many situations in which incarcerated people, including those in solitary confinement, are unable to file complaints quickly or at all. Michigan families must have the ability to petition the Ombudsman. Further, there are many situations in which correctional staff and contractors observe unacceptable or unconstitutional conditions of confinement. Currently, they are seriously deterred from reporting them because they must go through the same channels that hire them, pay them, and determine their career advancement. Allowing correctional staff and contractors to initiate complaints to the Ombudsman would incentivize the reporting of unacceptable and unconstitutional conditions of confinement – which is a significant state interest, will save taxpayer dollars in the long term, and most importantly, protect people and families.
3. **Data collection and transparency:** Requires the Ombudsman to publish general complaint data monthly, and include the following in a public annual report - the total number of complaints that were investigated, denied, resolved, unsubstantiated, or

¹ See <https://famm.org/>.



undecided; the number of complaints filed, broken down by subject matter, including but not limited to, racial discrimination and medical treatment issues; significant issues investigated; each recommendation made to the Department and the accompanying response.

4. **Uniform procedures:** Requires the Ombudsman to create a standardized complaint form within 120 business days of the bill becoming law, and to acknowledge receipt of filed complaints.
5. **Accessible information:** Requires the Ombudsman to place the standardized complaint form on its website and the Department to place hard copies in all law libraries and elsewhere throughout the facility.
6. **Experts:** Allows the Ombudsman to consult or contract with experts to assist with investigations, inspections, etc. Gives experts prison facility access while accompanied by the Ombudsman.
7. **Time Limits:** Creates a 14-day time limit for the Department to provide a response in defense or mitigation of an adverse opinion the Ombudsman intends to publish. Requires the Department to notify the Ombudsman of any actions it takes on the Ombudsman's recommendations within 30 days. Requires the Ombudsman to notify the complainant and the Department of its action within 45 business days of the action.

A summary of Senate Bill 493 is also available online here: <https://famm.org/wp-content/uploads/MI-Ombuds-Oversight-Bill-Summary-9.13.23.pdf>.

All correctional facilities should be safe and humane. Unfortunately, that is not always the case. We hear reports every day of disturbing stories from people who live and work in prisons. The changes in this bill are fairly small and technical, but each of them will improve the existing system for those most affected by it – incarcerated people, their families, and correctional staff.

We know that the Michigan Department of Corrections has concerns about this legislation, and we are taking a collaborative approach toward resolution. We are confident that this legislation can and should move forward as all parties work toward solutions in good faith.

Please support Senate Bill 493 and vote “yes” for transparency in all government processes, including incarceration. FAMM stands ready and willing to work with you on this and other criminal justice reform initiatives. We encourage you, your colleagues, and staff to visit with people in Michigan prisons and are happy to facilitate this as part of our #VisitAPrison campaign. See www.visitaprison.org.

Please reach out to mgoellner@famm.org to discuss this matter further. Thank you for the opportunity to submit testimony, and for considering our views.