



HB1188 - Office of the Attorney General – Correctional Ombudsman
Presented to the Hon. Luke Clippinger and Members of the House Judiciary Committee
March 9, 2020 1:30 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the House Judiciary Committee to issue **a favorable report on HB1188 - Office of the Attorney General – Correctional Ombudsman**, sponsored by Delegate Erek Barron.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. In doing so, we recognize the importance of systems dedicated to ensuring that all pregnant individuals can get the healthcare they need to experience safe and positive pregnancy and birth outcomes.

HB1188 establishes an ombudsman for correctional facilities in the Office of the Attorney General. We strongly believe that this position is greatly needed to conduct investigations, inspect facilities, resolve complaints, and strengthen protections of those inside the walls. In 2017, our organization convened the coalition, Reproductive Justice Inside, to advocate for the sexual and reproductive healthcare, services, and rights of any adult or juvenile in the various correctional and detention facilities in our state. We were the lead advocates for the passage of a state law in 2018 establishing that each facility must have a written policy that addresses all pregnancy-related issues, and that a copy of that policy shall be provided to each individual residing in a facility that has received a positive pregnancy test result. However, incarcerated individuals currently do not have an unbiased source to express any complaint about denied or delayed timely healthcare, access to services, or exercise of one's rights.

The United States has four percent (4%) of the world's female population, but thirty percent (30%) of its female incarcerated population.¹ Contrary to this fact, information regarding gender-specific health conditions about incarcerated women is scarce, especially regarding pregnancy. Not only are three-quarters of women of childbearing age, but eighty percent (80%) of incarcerated women report that they have been sexually active with men three months before their incarceration with less than one-third using a reliable method of contraception.² Therefore there is a probability that some individuals will enter prison while pregnant. Currently, their voices are suppressed and, oftentimes they do not receive the proper care they need to experience a safe pregnancy.

HB1188 would save the harm inflicted on individuals like [Diana Sanchez](#) who was ignored when she alerted medical staff and prison guards that she was in labor, ultimately causing her to give birth alone in her cell. Only half of pregnant women in prison reported receiving some form of prenatal or perinatal care

¹ Sufirin, C., Beal, L., Clarke, J., Jones, R. and Mosher, W., 2021. Pregnancy Outcomes in US Prisons, 2016–2017.

² Ibid.

while incarcerated.³ Incarcerated pregnant individuals are particularly vulnerable to pregnancy complications. As of now, their voices are not being heard and there is a scarce amount of data on pregnancy outcomes for incarcerated pregnant individuals.

HB1188 authorizes that incarcerated individuals' pregnancy-related health care needs are met. The ombudsman would have the ability to oversee any mental, emotional, or physical abuse taking place in correctional facilities. When issue arise in correctional facilities, they need to be investigated not through the corrections department's internal process, but rather a neutral party and the Office of the Attorney General is ideal, as it also houses the Juvenile Justice Monitoring Unit.⁴ HB1188 intends to solve this issue and would ultimately create a safer future for individuals who face unjust treatment while incarcerated.

For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on HB1188**. Thank you for your time and consideration.

³ Daniel, R., 2021. Prisons neglect pregnant women in their healthcare policies. Prisonpolicy.org.
<https://www.prisonpolicy.org/blog/2019/12/05/pregnancy/>

⁴ Featherly, K., 2021. Corrections ombudsman survives panels. [online] Minnesota Lawyer. Available at:
<https://minnlawyer.com/2019/03/11/corrections-ombudsman-survives-panels/>