

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1157
Judiciary

(Delegate Phillips)

Correctional Services - Assessment of State Correctional System

This bill requires the Office of the Correctional Ombudsman (OCO), by October 1, 2026, to engage an independent consultant to perform a comprehensive assessment of the State's correctional system. The assessment must (1) address infrastructure, staffing, programming, mental and physical health services, and restrictive housing, as specified; (2) reflect the input of stakeholders and incarcerated individuals by means of interviews, surveys, and public hearings; and (3) include a cost-benefit analysis, a comparative analysis, and recommendations and an implementation plan, as specified. By October 1, 2028, the independent consultant must complete the required assessment and provide OCO with a written report of its findings and recommendations. The bill also requires OCO to include in its annual report each year the status of completion, results, and status of the implementation of recommendations of the assessment required by the bill.

Fiscal Summary

State Effect: No effect assumed in FY 2026. General fund expenditures increase, potentially significantly, in FY 2027 through 2029, as discussed below. Revenues are not affected.

Local Effect: Local government finances are not affected.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The assessment must address the following issues:

- infrastructure, including facility layout, cell design, recreation and activity areas, and technology and security systems;
- staffing, including staff-to-incarcerated-individual ratios, training programs, and staffing challenges;
- programming, including the effectiveness of current offerings, program accessibility, and programming gaps;
- mental and physical health services, including access to care by general and special populations and how Maryland's care practices compare to national standards; and
- restrictive housing, including conditions, current policies regarding duration limits, out-of-cell time, and criteria for placement, compliance with best practices, and alternatives to restrictive housing.

In addition, the assessment must include:

- a cost-benefit analysis that addresses the financial impact of implementing reforms and potential cost savings from reduced recidivism and improved incarcerated individual outcomes;
- a comparative analysis that (1) benchmarks Maryland's practices with those of New York, New Jersey, and other leading states to identify gaps and areas for improvement and (2) identifies best practices that have proven effective elsewhere; and
- recommendations and an implementation plan, including (1) actionable steps for the short-, mid-, and long-term; (2) a realistic timeline for implementation, considering funding and operational constraints; and (3) monitoring and ongoing evaluation.

Current Law: Chapter 836 of 2024 established OCO as an independent unit of State government. It is the intent of the General Assembly that, in its first year of operation, OCO focus its activities primarily on those State correctional facilities located in the area of Jessup, Maryland.

Duties of Office: OCO, in response to a complaint or on the ombudsman's initiative, must:

- investigate any administrative act that the ombudsman determines may be contrary to law or regulation, based on a mistake of fact, unsupported by sufficient evidence, performed in an inefficient manner, unreasonable under the totality of the circumstances, or otherwise erroneous;
- conduct independent reviews and assessments relating to (1) health and mental health services provided to individuals confined by any agency, as specified; (2) agency plans for the expansion, renovation, or closure of facilities; (3) educational and vocational programs for individuals confined by any agency; and (4) agency policies on restrictive and protective housing;

- cooperate with any agency in efforts to improve the functioning of any agency or prevent abuses by agencies;
- inspect any facilities owned or controlled by any agency to monitor conditions in the facilities;
- seek to resolve complaints against an agency through mediation or other conflict resolution methods;
- maintain a website to provide specified information; and
- adopt regulations necessary to carry out requirements of OCO.

In addition, OCO must:

- unless OCO makes a determination otherwise, as specified, investigate each complaint;
- promptly inform a complainant of a decision not to investigate a complaint;
- on request, promptly inform a complainant of the status of an investigation;
- on the completion of an investigation, promptly inform the complainant of any conclusions, recommendations, and actions taken in response to the complaint;
- within 30 days after completing an investigation, submit to an agency a report containing any conclusions, recommendations, and requests for a response from the agency (which the agency must provide in writing within 45 days after receipt of the report); and
- treat all communications as confidential and reveal details of any communications only as specified.

OCO may also:

- interview agency personnel or any individual confined by an agency;
- access any records maintained by an agency;
- perform unannounced site visits and on-site inspections of facilities maintained by an agency;
- receive and respond to complaints without interception, review, or interference by an agency;
- review all reports of disciplinary actions, grievances, and grievance dispositions by the agency; and
- collaborate with any agency or any unit of State government to investigate complaints or any alleged injury, neglect, or death of an individual confined by or under the supervision of an agency.

OCO and the Juvenile Justice Monitoring Unit may subpoena any individual to appear to give sworn testimony or produce documentary evidence that is reasonably necessary to

carry out the office's or unit's duties. If an individual fails or refuses to comply with a subpoena issued by the office or unit, a court of competent jurisdiction, on the application of the office or unit, may issue an attachment for the individual and compel the individual to comply with the subpoena, appear before the office or unit, and produce documentary evidence for examination and give testimony. If an individual disobeys a subpoena or refuses to testify, the court may punish the individual for contempt.

If OCO determines that an employee or agent of an agency acted in a manner warranting criminal charges or disciplinary proceedings, OCO must promptly refer the matter to appropriate authorities.

“Agency” means (1) the Department of Public Safety and Correctional Services (DPSCS); (2) any officer or employee of DPSCS; (3) any person providing services under a contract with DPSCS to individuals who are confined by or under the supervision of DPSCS; or (4) any officer, employee, or administrative hearing examiner of the State or a unit of local government who is acting or purporting to act in relation to individuals confined by or under the supervision of DPSCS. “Agency” does not include (1) a judge, as specified; (2) the General Assembly or any member, employee, or committee of the General Assembly; or (3) the Governor or the Governor's personal staff.

Reporting Requirements: By December 31 each year, OCO must report to the Governor and the General Assembly specified information regarding investigations conducted by OCO, specified actions taken or rejected by an agency, and information on any death of an individual confined by or under the care of an agency. The December 2024 report can be found [here](#). In December 2024, the Mediation and Conflict Resolution Office submitted its [report](#) on best practices for mediating grievances in the corrections system.

Audit: Chapter 836 states the intent of the General Assembly that, in its first year of operation, OCO conduct an audit of programming and services provided by the Division of Correction (DOC) since fiscal 2019. The audit must include, among other things, an examination of (1) rates of participation by incarcerated individuals in specified programs and (2) any obstacles to participation by incarcerated individuals in programs provided by DOC.

State Expenditures: General fund expenditures increase, potentially significantly, from fiscal 2027 through 2029 for OCO to (1) engage an independent consultant to perform a comprehensive assessment of the State's correctional system and (2) hire contractual staff to oversee the work of the independent consultant. A reliable estimate of the increase in costs cannot be made at this time, as OCO is still in its infancy and only provided limited information regarding the potential fiscal effect of the bill.

As noted above, OCO was established in 2024, and the recently appointed acting Correctional Ombudsman is working to fully staff the office. The fiscal 2026 budget as introduced includes 13 authorized positions to conduct reviews and assessments relating to all State correctional and juvenile facilities in the State. As such, OCO does not have sufficient staff to oversee the work of an independent consultant and, as a result, likely needs to hire contractual staff.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 694 (Senator Love, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel, Baltimore, Cecil, Frederick, and Montgomery counties; Department of Public Safety and Correctional Services; Governor's Office; Office of the Correctional Ombudsman; Department of Legislative Services

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