

# **Testimony January 2023.pdf**

Uploaded by: ANITA WIEST

Position: FAV

## **Support House Bill HB 64**

**Favorable**

## **Support Senate Bill 87**

Hello. My name is Anita Wiest. I am a Maryland licensed clinical social worker and a Maryland licensed clinical addictions counselor and have worked in the fields of addiction and social work since 1989. I have experience developing and implementing programs in government agencies, the non-profit sector and for profit health services settings.

Between February, 2009 and May 2019, I worked as a correctional social worker at ECI and subsequently promoted to Eastern Regional Addictions Supervisor. I submit testimony in favor of House Bill 64 for a correctional ombudsman from these experiences.

Upon retirement in May, 2019, I became involved with the Maryland Alliance for Justice Reform in an effort to advocate for much needed treatment services in our state prisons; a role I was forced to abandon as an employee due to seeming lack of initiative on the part of the administration to meet the demand for additional treatment.

Members of MAJR have been met with Secretary Green three times via an electronic video platform to discuss concerns with the Secretary and others in administration including the new Secretary, Carolyn Scruggs. The office of the Secretary arranged those meetings following a February, 2022 letter to the Secretary expressing many of MAJR's concerns about the effective operation of our state prisons. Copies of this letter were also sent to then Governor Hogan, United States Attorney Erek Barron and all members of the Maryland Judiciary Committee and Maryland Judicial Proceedings Committee. The Secretary seemed very interested in meeting and also very clear that he was not interested in receiving any more letters.

Although these meetings have opened a pathway for communication and we would like to see them continue, we are still encountering misinformation and a lack of real time knowledge about what is occurring in the prisons. Our most recent example of this occurred on December 20, 2022. A question put forth to the administration in advance of our meeting asked about the number of PINS and the number of vacancies in departments of social work, psychology and addictions. Secretary Scruggs reported there were 32 addictions PINS in the department and 17 were vacant. I was shocked by this as I knew of only 3 addiction counselor PINS that were filled in the entire state prison system and inquired as to where these counselors were assigned. Ms Scruggs said she thought Hagerstown and Jessup and she would inquire and let me know. I have not heard more and I doubt these PINS have been hired.

I am aware of outside contractors doing addiction assessments and I am also aware assessing someone for the presence of an addiction problem is not treating them. When I retired in May 2019, there were 6 addiction counselors in the entire state prison system. Three of those counselors were at ECI. To my knowledge that number has dwindled to three

There is scarce drug treatment in the state prisons. Outside of ECI, there is really no drug treatment in any state prison. At ECI, our largest state prison with over three thousand incarcerated, there may be less than 40 men in treatment every five months. Although MAJR has continued to hear that jobs are being posted we have not experienced seeing anyone hired and delivering treatment services to the thousands of incarcerated persons in need.

I spoke to a man in his 30's, first incarceration, at ECI Annex on January 18, 2023. He has a history of drug use in the community but stated he stopped using upon the birth of his first child, He currently has 3 children and was incarcerated due to a violent altercation in which his family was threatened. He said he was able to avoid drugs while on the medium security compound but since arriving at the Annex he has had significant difficulty and is in danger of developing a drug habit. There are thousands of men with stories like his and there is no treatment in our prisons and there is no one in administration that appears to give a damn.

Worst case scenario: He will be released along with many others with a drug problem. He will overdose on fentanyl and die. His children will be left without a dad and likely to repeat some of his same patterns. Our prison system is currently set up for job security and little else. Please, please, please vote in favor of an ombudsman who can look into ways in which our system could be more effective and be a catalyst for operational change. I believe the money spent will result in monies and lives saved. The trickle down effect of the men and women serving time and the generational implications present an overwhelming cost to our communities.

Do not allow COVID to be the excuse for the downturn. I hired the last addiction counselor in the DOC in May 2017 at ECI, years before COVID. There is so much wrong with the addiction treatment program in particular and the Department of Corrections in general, that we need a third party appointed as oversight. We need transparency and the lack of transparency is endemic to DPSCS.

# **SB0087 Written Testimony.pdf**

Uploaded by: Anne Kirsch

Position: FAV

Anne Bocchini Kirsch  
anne@prepare-parole.org  
(410) 994-6136

## **HB 0064 SUPPORT Office of the Attorney General - Correctional Ombudsman**

My name is Anne Bocchini Kirsch, and I am a resident of Baltimore County and a returning citizen. I co-founded the non-profit PREPARE: Prepare for Parole and Reentry, where I work collaboratively with State agencies, community service providers, families, and justice impacted individuals to utilize existing resources, identify gaps, and improve outcomes for public safety and the individual. I am also a volunteer with Maryland Alliance for Justice Reform, which is how I became aware of this important piece of legislation.

### **Why We Need An Ombudsman**

My lived experience with incarceration and my current work as a parole and reentry advocate gives me a unique perspective on the importance of communication in the correctional system. In many ways, the Ombudsman's job is ultimately that of an advocate and communicator. Large systems are prone to miscommunications. Without someone who has the ability to look at the bigger picture, assess the problem, and coordinate the work of reaching a solution, these miscommunications frequently have significant consequences such as lost time, unused or misplaced resources, and hindered access to critical services. An Ombudsman is the fresh set of eyes Maryland needs to look at old, ingrained problems and create a collaborative space to develop solutions that promote efficiency and effectively utilize State resources.

As I've worked to address one of the problems that faces our correctional system and our State, I've been pleasantly surprised by the number of dedicated, hardworking people I've met - workers at DPSCS, DLR, MDH, and community resource providers both large and small, to name a few. In spite of all the talent and desire to make things work, often individual employees are unable to get the high-level view necessary to design and deliver a solution. The current administrative remedy process is difficult for incarcerated people to navigate and engages State employees who do not have the scope or time to analyze issues and make changes at a policy level. It is unreasonable to expect a Custody Sergeant, or even a prison administrator, to investigate and challenge the statewide medical or mental health service contractor and devise or implement lasting and effective change. This is the job of an Ombudsman - someone with the access and authority to investigate problems, get to the root of them, and mediate a solution.

The benefits provided by a neutral party in problem solving are widely recognized. As the State of Maryland moves forward into a new Administration and a new era, it is my hope that we will promote communication, consensus building, and collaboration. There is no better way to start this process than to bring an Ombudsman into the difficult task of reexamining our current correctional system and making the changes necessary to deliver the positive outcomes that Maryland wants and return healthy, rehabilitated, and productive citizens to the community.

**\_SB 87-Correctional Ombudsman testimony-UULM-MD-Su**

Uploaded by: Ashley Egan

Position: FAV



## Unitarian Universalist Legislative Ministry of Maryland

### Testimony in Support of SB 87: Office of the Attorney General - Correctional Ombudsman

TO: Senator Will Smith, Jr. Chair and Members of the Judicial Proceedings Committee  
FROM: Karen “Candy” Clark,  
Unitarian Universalist Legislative Ministry of Maryland Criminal Justice Lead  
DATE: February 8, 2023

The state-wide Unitarian Universalist Legislative Ministry of Maryland strongly asks your support for SB 87 establishing a Correctional Ombudsman. Maryland’s Police Accountability Reforms recognized that **outside oversight** contributes to restoring trust and justice for the victims of **inappropriate use of power**. This bill will do likewise.

Stories of violence, neglect, demeaning treatment by correctional officers and others, seep out from behind the walls. An Ombudsman program benefits the prison environment and safety while bringing victims justice and holds those with power accountable. Several years ago, Gov. Hogan appointed Ron Green as Secretary of Corrections. Within a short time he was faced with an on-going scandal involving a dozen employees and others. This was only one of five major scandals that occurred over the past eleven years!

MARYLAND CAN –AND MUST– DO BETTER THAN THIS!

By establishing **impartial independent oversight**, the knowledge about the conditions and situation behind the walls will be more reliable. The Ombudsman has the right for unannounced visits, including the right to talk with **anyone**. Our correctional institutions should be a positive environment in which offenders are offered an opportunity to learn and transform through rehabilitation to become healthy productive citizens who will *not need to resort to crime to survive* upon their release.

Currently our Juvenile System does have an Ombudsman Program. This helps to keep the system working as it is intended and reveals **situations** that need to be addressed. The same consideration needs to be extended to our adults.

We need a Correctional System that we can be proud of, that honors the inherent dignity and worth of our returning citizens while we help them to prepare for a successful reentry .

UULM–MD asks for a favorable vote on SB 87.

Respectfully submitted,  
*Karen Clark*

**UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,**

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**D. Inabinett Testimony SB 0087 - February 2023.pdf**

Uploaded by: Dahlia Inabinett

Position: FAV



February 8, 2023

**Testimony In SUPPORT of SB 0087 – Office of the Attorney General – Correctional Ombudsman**

**Submitted by: Dahlia Inabinett  
Student Attorney, Reentry Clinic  
American University Washington College of Law**

My name is Dahlia Inabinett, and I am a third-year law student at the American University Washington College of Law, testifying as a student-attorney on behalf of the Reentry Clinic, which represents individuals housed in many of Maryland's prisons. Over recent years, there have been reforms in legislation and policies to prompt a shift in our criminal justice system from punishment to rehabilitation, but Maryland lags far behind other jurisdictions. The need for positive correctional practices in Maryland is why the Reentry Clinic is testifying in SUPPORT of the Correctional Ombudsman Bill, a bill that recognizes the need for a more rehabilitation-centered and humane corrections model.

Maryland has a long way to go to humanize the men and women in its care and custody behind the prison walls. The stories of incarcerated persons being denied basic human rights far outnumber the stories of them maximizing the rehabilitative benefits that prisons proclaim to promote. The Correctional Ombudsman Bill supports rehabilitative reform in that an ombudsman would have the ability to enter any facility unannounced and delineate what services are not being adequately provided to incarcerated persons.<sup>1</sup>

For a long time, America's approach to corrections objectives has been centered around deterrence and retribution—namely, prison has been used to prevent further crime and to punish offenders. However, in recent years, there have been heart wrenching cases<sup>2</sup> that have prompted policy changes nationwide that place the focus, instead, on rehabilitation.<sup>3</sup> A recent national survey<sup>4</sup> concluded that 85 percent of participants are in favor of making rehabilitation the main goal of the criminal justice system. In Maryland specifically, the Juvenile Restoration Act (JRA) is one of many policy changes that have given incarcerated men and women an opportunity for a second chance at life.<sup>5</sup> Through the Reentry Clinic's work with JRA cases, we present mitigation evidence from the courts to consider why our clients deserve a second chance. This requires a thorough examination of the decades that they were sentenced to spend behind bars. It is also critical to evaluate

<sup>1</sup> Proposed Senate Bill 0087.

<sup>2</sup> See Schwartz, M., & Winerip, M. (2015, June 8). *Kalief Browder, held at Rikers Island for 3 years without trial, commits suicide*. The New York Times. Retrieved February 6, 2023, from <https://www.nytimes.com/2015/06/09/nyregion/kalief-browder-held-at-rikers-island-for-3-years-without-trial-commits-suicide.html>; *Korey Wise's story in 'when they see us' hit viewers especially hard*. Good Housekeeping. (2021, November 2). Retrieved February 6, 2023, from <https://www.goodhousekeeping.com/life/entertainment/a27757516/korey-wise-central-park-five/>

<sup>3</sup> See *Miller v. Alabama*, 132 S.Ct. 2455 (2012) (holding that the eighth amendment forbids life without parole sentences for juvenile homicide offender); *Second look sentencing*. FAMM. (2023, February 1). Retrieved February 6, 2023, from <https://famm.org/secondlook/>; *Decarceration initiative*. MD Public Defender. (n.d.). Retrieved February 6, 2023, from <https://www.opd.state.md.us/decarceration-initiative>;

<sup>4</sup> Clark, M. (2018, November 6). *Polls Show People Favor Rehabilitation over Incarceration*. Prison Legal News. Retrieved February 6, 2023, from <https://www.prisonlegalnews.org/news/2018/nov/6/polls-show-people-favor-rehabilitation-over-incarceration/>

<sup>5</sup> See Md. Code, Crim. Proc. § 8-110



the treatment opportunities and educational services provided while individuals are detained for years and even decades. Our evaluations often reveal that the system meant to prepare them for life in the outside world has instead dedicated itself to doing the opposite. When considering the realities that incarcerated persons have faced *and* overcome, it is concerning that there is not an independent oversight process within the Maryland DPSCS.

Many correctional officers in Maryland have exposed incarcerated persons to the same criminal acts that led to their incarceration. For example, in 2020, three correctional officers in Maryland were indicted because of an investigation that revealed ongoing smuggling of drugs, cellphones, and other contraband into the Chesapeake Detention Facility in Baltimore, MD.<sup>6</sup> There have even been countless cases involving assault in Maryland prisons. In March of 2021, three correctional officers in Maryland were indicted on assault and misconduct charges after placing an inmate in an illegal chokehold.<sup>7</sup> Just two years earlier, over two dozen correctional officers in Baltimore, MD were indicted for assaulting and threatening detainees.<sup>8</sup> These indictments are only a few of many major scandals involving corrections officers in Maryland, dating back to 2006.<sup>9</sup>

When considering the numerous cases that have affected incarcerated persons in Maryland alone, it is important to focus on how easily these officers were able to commit these offenses, the culture that breeds such corruption, as well as how long they were able to go undetected. This is why the Correctional Ombudsman Bill is severely necessary. The current lack of any independent oversight in prisons allows the Maryland Department of Public Safety and Correctional Services to advance the idea that people are sent to prison *for* punishment, as opposed to them being sent *as* punishment.

Additionally, these examples demonstrate how the Maryland DPSCS has a reputation for hindering rehabilitative goals. For example, the creation of a reentry plan should start the moment that someone enters prison; however, we know through our work within the Reentry Clinic that this is not the reality. Most of the facilities are understaffed, including a shortage of case managers and social workers to assist reentering citizens through their transition period. Instead, the Reentry Clinic takes on the responsibility of creating a reentry plan

<sup>6</sup> Associated Press. (2020, October 21). *Maryland corrections officers charged in smuggling case*. AP NEWS. Retrieved February 6, 2023, from <https://apnews.com/article/smuggling-indictments-maryland-baltimore-crime-41c9d154a3c8587276e9c73e70d80c61>

<sup>7</sup> Ingram, B. (2021, March 31). *Three correctional officers indicted on assault, misconduct charges at Baltimore Jail*. WMAR 2 News Baltimore. Retrieved February 6, 2023, from <https://www.wmar2news.com/news/local-news/three-correctional-officers-indicted-on-assault-misconduct-charges-at-baltimore-jail>

<sup>8</sup> Garcia Cano, R., & Witte, B. (2019, December 4). *Indictment accuses 25 Baltimore jail officers of using excessive force*. WTOP News. Retrieved February 6, 2023, from <https://wtop.com/baltimore/2019/12/indictment-accuses-25-jail-officers-of-using-excessive-force/>

<sup>9</sup>Rigby, M. (2008, July 15). *No Safety or Security for Maryland Prisoners*. Prison Legal News. Retrieved February 6, 2023, from <https://www.prisonlegalnews.org/news/2008/jul/15/no-safety-or-security-for-maryland-prisoners/>; Winter, M. (2013, April 24). *Baltimore guards, inmates indicted for gang corruption*. USA Today. Retrieved February 6, 2023, from <https://www.usatoday.com/story/news/nation/2013/04/23/baltimore-plot-smuggle-contraband-jail/2107523/>; Rector, K., Fenton, J., & Anderson, J. (2019, June 29). *Feds indict 80 people - including 18 corrections officers - in 'massive' maryland prison corruption case*. Baltimore Sun. Retrieved February 6, 2023, from <https://www.baltimoresun.com/news/crime/bs-md-prison-corruption-20161005-story.html>; Prudente, T. (2019, June 28). *Indictment alleges Jessup Prison Guard moonlighted as crips gang chief*. Baltimore Sun. Retrieved February 6, 2023, from <https://www.baltimoresun.com/news/crime/bs-md-prison-gang-indictments-20171130-story.html>; *20 indicted in prison smuggling conspiracy*. Department of Public Safety and Correctional Services. (2019, April 17). Retrieved February 6, 2023, from <https://news.maryland.gov/dpscs/2019/04/17/20-indicted-in-prison-smuggling-conspiracy/>



# AMERICAN UNIVERSITY

W A S H I N G T O N , D C

Clinical Program

for each of our clients, starting with the basics. Studies have shown that states with effective inmate reentry programs report much lower recidivism rates than those without.<sup>10</sup> Maryland currently has a recidivism rate of 40.5 percent, whereas Virginia, the state with the lowest recidivism rate in the country and the most sophisticated reentry system, has a recidivism rate of 23.4 percent.<sup>11</sup> The creation of a Correctional Ombudsman Office would begin the process of ensuring that correctional staff meet expectations and are playing their crucial role in designing thorough reentry plans that lead to successful reintegration.

The dim and saddening history of the Maryland DPSCS lends itself to the undeniable need for independent oversight. The current lack of that oversight has proven to only reinforce the challenges of Maryland's incarcerated population—a population that is already comprised of impoverished, undereducated, and under-skilled men and women. The creation of a Correctional Ombudsman Office would provide them with a voice that they have been denied for far too long. Prisons may have been created to keep dangerous people inside, but the prison walls should not be used to keep the public out. We must be aware of the dire situations that individuals find themselves in while in state custody.

We are all only the products of chances we were given. It is time that we give incarcerated individuals in Maryland a chance to grow *and* thrive by ensuring they are in an environment conducive to meaningful rehabilitation opportunities. We support Senate Bill 0087 because this is the reality that it will strive to create.

We urge a favorable report.

Thank you for your time and attention.

Dahlia Inabinett

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(843) 510-3282

Resident of Montgomery County

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<sup>10</sup> Francis, D. C. R., & Caroom, P. (2019). (rep.). *Maryland Reentry Roundtable Report*. Retrieved February 6, 2023, from <https://www.ma4jr.org/wp-content/uploads/2020/01/2019-Reentry-Roundtable-Booklet.pdf>.

<sup>11</sup> *Id.*

# **Correctional Ombudsman 2[277].pdf**

Uploaded by: Donald Bovello

Position: FAV

February 6, 2023

To the Honorable Senator's of the State of Maryland,

My name is Donald Bovello, I am a returning Juvenile Lifer who served 35 years, 3 months and 8 days of a life and twenty year sentence in Maryland's prisons.

I am writing in support of the Correctional Ombudsman bill and ask that you would please consider supporting this bill as it is a necessary piece of legislation to bring change to Maryland corrections.

While in prison, I saw and experienced my atrocities inflicted upon inmates who were helpless and vulnerable. It is a common practice for correctional officers to beat inmates into compliance with what correctional officers want them to do, or in retaliation for a verbal comment made by the inmate.

A situation may be that an inmate, safely and securely locked in a prison cell, will get frustrated and express this negatively with a verbal comment. The inmate is told to shut-up, failure to comply with that order results in the inmate being physically removed from the locked cell, handcuffed behind their back, then taken to an area with no cameras or witnesses and beaten and kicked while handcuffed behind their back.

This physical and the frequent verbal abuse by correctional officers turned many inmates into dangerous, violent individuals.

The abuse described here was not only used upon inmates from the general population, but also upon inmates in the mental health unit, disciplinary and administrative segregation, all of whom spend 23 hours a day locked in a prison cell.

Maryland's correctional officers do not have an easy job, but they chose that career and accepted the responsibility for the human lives under their watch. In doing so, their job is to protect society, corrections employees and the inmates. The reality is that many of these employees believe their job is to punish inmates and abuse their authority.

When auditors or guests enter the prisons, they are kept away from the majority of the inmate population who may report abuses, and are guided to specific areas of the prisons which have been scrubbed, painted and deodorized to present a picture of a well run institution. Again not the day-to-day reality.

While there are corrections employees who treat inmates inhumanely, those who go to work each day in these potentially dangerous prisons and do their job correctly, they are outnumbered by abusive and/or corrupt corrections employees.

It is important to note that when inmates attempt to use the Administrative Remedy Process (ARP), they are discouraged by correctional officers when seeking to obtain an ARP form, then by correctional supervisors who are asked to sign and submit the ARP form. Many times, inmates are also encouraged by ARP coordinators to sign-off or dismiss the ARP with a promise of change, a change which doesn't come. The ARP process is frustrating and discouraging.

Also, when visitors or dignitaries enter the facility, there is a major clean-up and visitors and dignitaries are ushered to specific areas around specific inmates who are told how to behave prior to contact with any visitor or dignitary.

These are reasons that independent oversight is necessary to provide a true picture of what is happening within the Maryland prisons.

A Correctional Ombudsman would compliment corrections by providing oversight where needed and helping those corrections employee's who take their responsibility seriously and want to make Maryland's prison's safer, and in that way, maintaining and environment which is conducive to lowering recidivism.

Thank you for your time and consideration of the Correctional Ombudsman bill.

Respectfully,

Donald J. Bovello  
410-919-6358  
djbovello@gmail.com

**2023 SB0087 Ombudsman Bill Testimony D. Rojas.pdf**

Uploaded by: Donna Rojas

Position: FAV



February 7, 2023

The Honorable William Smith  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

RE: Letter in Support of SB0087 – Office of the Attorney General – Correctional Ombudsman

Dear Chairman Smith and the Members of the Judicial Proceedings Committee:

I am Donna Rojas, and I am writing to you as a private citizen to express my strong support of SB0087 – Office of the Attorney General – Correctional Ombudsman (cross-filed with HB0064) to urge the Committee to issue a favorable report on this bill.

We have allowed the Maryland State prison system to remain without meaningful oversight for years. Various events in the media and those unmentioned have brought about a long-needed review of our Maryland prisons by the administration and your committee. As elected officials, you need the opportunity to go into the facility without advance notice to see what is transpiring with those individuals in the institution's custody.

An oversight office under the Attorney General will ensure that information necessary to the legislature and the public is brought forward promptly. Currently, constituent letters and inquiries are being answered by the constituent services department. The department sends the query to the appropriate department, which in turn responds, and the constituent services department responds based on what the department in question provides them with. No in-person investigation is conducted. This is unacceptable when you have inmates who are not receiving timely care, and their grievances take 45 – 90 days to respond to, or they go with no response. I have worked in Montgomery County and on the State level assisting incarcerated inmates pre-and post-release. I have never seen individuals, their requests, and family concerns falling on a deaf ear like with the Maryland Department of Public Safety and Correctional Services. Only when it hits a major media outlet will DPSCS attend to the issue in a timely fashion.

This oversight will allow the legislature and the administration to proactively address safety and health issues for both Correctional Officers and the incarcerated before those issues become entrenched problems.

I ask you to do whatever you can to ensure a favorable vote on this bill.

Thank you.

Sincerely,



Donna Rojas

**Support of SB0087 Helping Ourselves to Transform.**

Uploaded by: Dr. Carmen Johnson

Position: FAV

# HELPING OURSELVES TO TRANSFORM

EDUCATING AND PROMOTING  
MASS LIBERATION

5661 3rd Street NE Unit 134 Wash, DC 20011  
128 College Station Drive Upper Marlboro, MD 20774

## **Written Testimony in support of HB0064/SB087 Office of the Attorney General Correctional Ombudsman**

I am Dr. Carmen Johnson the founder of Helping Ourselves to Transform and I support HB0064. Transparency and Accountability is important in operating corrections facilities. As an impacted woman who is innocent. I spent 3 years at a jail where I was subjected and targeted by physical abuse from guards and staff. I went through the remedy process to report the physical abuse, lack of medical care and no mental health treatment for me and the rest of the women.

Reporting these guards and staff crimes on me and many other women only lead me to subjections of more abuse. When I filed a lawsuit from jail, I was emphatically targeted even more. I remember once being strangled by guards with my winter scarf, being dragged across the floor as they kicked and spit on me until I blacked out. Not to mention not one attorney wanted to take my case of abuse on the east coast. Even when I came home 5 years ago - I still could not get an attorney to represent me on the abuse.

The 1996 Prison Litigation Act is a nightmare and it really should be dismantled. I never got a remedy from that process. Only more calculated abuse. I collected data for 2018 to 11/2022 on the 324 deaths that have happened in the Maryland jails and I ask myself - how many of these deaths are from retaliation from guards, staff, etc?

**HB0064 must pass and I support it** in order to protect other Maryland youth, women and men. Whether they did a crime or not. No one deserves to be treated like an animal, almost killed or killed because there is no protection, only more abuse at the hands of the people that are supposed to watch over loved ones behind the wall. .

Sincerely,



*Dr. Carmen R. Johnson, Founder*

*Author, Advocate, and Humanitarian*

*Lecture Specialist for prison and justice reform to Law Schools, Law Clinics, Students and the Community*

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Open: Monday - Friday Hours: 10:00am - 5pm EST

**SB0087 support from Life After Release (1).pdf**

Uploaded by: Dr. Carmen Johnson

Position: FAV



2-7-2023

To the Honorable Senate,

I am the Executive Director of Life After Release in Camp Springs Maryland. We are in favor of SB0087. Please consider this as our written testimony in support of the Correctional Ombudsman Bill.

As the ED for Life After Release I have heard story after horror story for over 4 years. There is no Transparency and accountability in the many forms of the government systems, especially the prison/jail system. I hear stories from family members and loved ones behind the wall speaking on abuse, lack of medical care, little to no mental health treatment, abrupt disruption of rehabilitation programs with little educational services. I believe that this bubble has already burst into a systemic issue.

Youth, Men and Women are unable to report abuse or lack of medical care without being a target met with physical abuse and sometimes murder with the staff walking away with clean hands. The entire community is impacted when oversight fails and avenues for redress are limited.

The Correctional Ombudsman would also provide an opportunity for staff to confidentially share their concerns about past incidents and about emerging problems, and to highlight those aspects of prison operations that are working well or not. Having an external, independent oversight can be effective and positively impact the overall facility operations for both the staff and the loved ones behind the wall.

This bill is designed to meet what the ABA calls for. Without a system of external oversight there are few ways to determine if the Department of Public Safety and Correctional Services priorities and mission are consistent with actual practices.

We urge a favorable report. Thank you for your time.

*Ms. Qiana Johnson*

**SB 87 Corr Ombuds MOPD Support.docx.pdf**

Uploaded by: Elizabeth Hilliard

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: SB 0087 – Office of the Attorney General Correctional Ombudsman**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 2/7/23**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 87.

Independent oversight and expanded opportunities to improve and reform current conditions within Maryland's correctional facilities is long overdue,<sup>1</sup> and has become even more urgent with the ongoing COVID pandemic.<sup>2</sup> Public defenders throughout the state regularly hear from clients with disturbing complaints on a variety of issues, such as lack of access to needed medical care and/or medication, officer abuse and misconduct, overuse of restrictive housing, plumbing and sanitation deficiencies, and insufficient heat or ventilation.

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<sup>1</sup> See e.g., *Ailing System Struggles with Inmate Care*, THE BALTIMORE SUN, June 10, 2005, available at <https://www.baltimoresun.com/maryland/bal-te.md.prisons10jun10-story.html>; *City Jail Grievance System Broken*, THE BALTIMORE SUN, July 6, 2013, available at <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-bcdc-grievances-20130706-story.html>; Disability Rights Maryland, SEGREGATION AND SUICIDE: CONFINEMENT AT THE MARYLAND CORRECTIONAL INSTITUTION FOR WOMEN, December 14, 2018, available at [https://disabilityrightsmd.org/wp-content/uploads/2018/12/MCIW\\_Report-Final.pdf](https://disabilityrightsmd.org/wp-content/uploads/2018/12/MCIW_Report-Final.pdf).

<sup>2</sup> See, e.g., *'Treated like an animal' | Man details COVID-19, conditions at Prince George's County jail ahead of hearing on lawsuit*, WUSA9, June 23, 2020, available at <https://www.wusa9.com/article/news/local/maryland/man-details-covid-19-conditions-at-prince-georges-county-jail-ahead-of-hearing-on-lawsuit/65-05afa926-5939-408c-89de-6d63a3378892>; *State agrees to provide vaccines, cleaner conditions for inmates at Baltimore jail to end COVID-19 lawsuit*, THE BALTIMORE SUN, April 15, 2021, available at <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-cdf-coronavirus-lawsuit-settlement-20210415-uxrrgvdurndijfg77yr2ffl6ry-story.html>; *Correctional Officers: Understaffing Creates Unsafe Conditions At State Prisons, Jails*, WJZ-13 CBS Baltimore, available at <https://baltimore.cbslocal.com/2022/01/10/correctional-officers-understaffing-creates-unsafe-conditions-at-state-prisons-jails/>.



A sampling of concerns that have been raised to our office in the past year, and would have benefited from an ombudsman, include:

- • Complaints about lack of heat, which resulted in at least one person going to the hospital with hypothermia;
- • Lack of access to prescribed medication for established and often serious medical conditions;
- • Lack of access to masks and other PPEs;
- • Extended isolation of people who test positive or were exposed to COVID;
- • Lack of shower access for people in quarantine for more than 10 days;
- • Mingling protective custody and general population inmates because segregation units were used for quarantining;
- • Youth charged as adults placed in extended isolation without any access to school or rehabilitative programming;
- • Plumbing issues that require using blankets and towels to prevent water from entering sleeping area. In one facility, feces flushed down one toilet appeared in another toilet because the pipes were so backed up;
- • Mold on ceiling and in air vents.

Although the COVID-19 outbreak highlighted many of these issues, our attorneys have long been concerned for the health safety, and wellbeing of our clients, but we lack the capacity, statutory authority, and expertise to address these issues. An independent ombudsman would serve as an effective and efficient way to have concerns reviewed and redressed, minimizing the harm of issues that are ignored due to technical grievance requirements and possible litigation of issues that may eventually be properly grieved but not actually resolved.

The Juvenile Justice Monitoring Unit (JJMU), which is similar to the ombudsmen proposed under this bill is an independent agency housed in the Attorney General's office, shows how valuable and effective such an entity can be. Formed in the wake of widespread systemic abuses throughout the juvenile justice system, the JJMU has improved transparency and accountability about the plight of children incarcerated in Maryland's juvenile justice system. OPD's juvenile defenders have provided information to the JJMU with assurance that issues will be given prompt and sufficient attention to encourage positive change without waiting for conditions and their resulting harms to exacerbate.

In healthcare and other settings, prisoners are often considered a vulnerable population because of the constraints of incarceration as well as their disproportionate poverty and limited access to community services. Individual prisoners also frequently have heightened risk factors due to their age (young or old), medical and/or mental health conditions, disabilities that are not properly accommodate, and other factors (LGBTQIA+ status, non-English speaking, etc.). An independent monitoring agency is as urgently needed for these individuals as they are for the children in DJS facilities.

Sweeping efforts across the country and world are taking heed to the notion that it is time we take a closer look at the conditions of confinement at every level of government amidst an unrelenting backdrop of inhumane conditions that fail to reduce recidivism or properly rehabilitate incarcerated individuals.<sup>3</sup> The implementation of an independent Correctional Ombudsman to oversee and investigate long-standing systemic problems within Maryland's correctional system is a great start and a welcomed effort to help root out and eliminate the underlying causes of widespread dysfunction and corruption that have undermined rehabilitative efforts for incarcerated individuals. **For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 87.**

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<sup>3</sup> The Vera Institute, REIMAGINING PRISON, October 2018, *available at* [https://www.vera.org/downloads/publications/Reimagining-Prison\\_FINAL3\\_digital.pdf](https://www.vera.org/downloads/publications/Reimagining-Prison_FINAL3_digital.pdf).

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**Submitted by: Maryland Office of the Public Defender, Government Relations  
Division.**

# **SB 87 Written Testimony - YEJ Clinic.pdf**

Uploaded by: Elizabeth Loh

Position: FAV

**Testimony in Support of Senate Bill 87 (Favorable)  
Correctional Ombudsman**

To: William C. Smith, Jr., Chair, and Members of the Senate Judiciary Committee

From: Elizabeth Loh & Anna Manogue, Student Attorneys, Youth, Education and Justice Clinic  
(admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing  
Admission to the Bar)

Date: February 7, 2023

We are student attorneys in the Youth, Education and Justice Clinic (“the Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents individuals serving life sentences in the Maryland correctional system for crimes they committed as children or emerging adults. The Clinic writes in support of Senate Bill 87 (“SB 87”), which seeks to develop an independent monitoring agency, a Correctional Ombudsman’s Office, to investigate complaints within Maryland prisons.

The Correctional Ombudsman would play a critical role in ensuring and enhancing the integrity of Maryland’s prisons. Specifically, the Ombudsman would monitor state prisons and streamline oversight critical to accountability and transparency. The Ombudsman would have the authority to monitor prisons, publish public reports, review every complaint filed with the correctional standards commission, and work with a community advisory board to address community concerns.

The Clinic represents clients who have lived in Maryland’s prisons for the decades after they were sentenced for crimes they committed as children and emerging adults (individuals who are between eighteen and twenty-five years of age). Over the years, we have confronted myriad difficulties addressing our clients’ concerns about access to healthcare, sanitation, and basic services. Because prisons operate beyond our view, incarcerated persons are uniquely vulnerable to mistreatment.<sup>1</sup> Abuses in Maryland’s prisons are well-documented and ongoing.<sup>2</sup> These abuses include denial of medication to terminally ill patients and unexplained delays in the grievance process designed to allow incarcerated persons to flag issues to prison staff.<sup>3</sup>

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<sup>1</sup> Michele Dietch, *But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States*, 47 AM. J. CRIM. L. 207, 218 (2021). See generally, Lauren Brooke-Eisen & Alia Nahra, *The Landscape of Recent State and County Correctional Oversight Efforts*, BRENNAN CENTER FOR JUSTICE (Mar. 15, 2022), <https://www.brennancenter.org/our-work/research-reports/landscape-recent-state-and-county-correctional-oversight-efforts>.

<sup>2</sup> E.g., MD. FOOD PRISON ABOLITION PROJECT, “I REFUSE TO LET THEM KILL ME” FOOD, VIOLENCE, AND THE MARYLAND CORRECTIONAL FOOD SYSTEM 23-33 (2021) (describing poor nutrition, inhumane meals, and insufficient quantities of food in Maryland’s prisons), <https://static1.squarespace.com/static/5cfbd4669f33530001eeeb1e/t/614a994382003d4b88ba44d9/1632278867753/Food%2C+Violence%2C+and+the+Maryland+Correctional+Food+System+%E2%80%94+Full+Report.pdf>.

<sup>3</sup> *Office of the Attorney General- Correctional Ombudsman: Hearing on H.B. 64 Before the S. Comm. on the Judiciary*, 2023 Leg., 445th Sess. (Md. 2023) (statement of Lila Meadows).

Currently, the primary way for incarcerated individuals to file complaints regarding abuses, denial of medical care, or lack of services is through a months-long grievance process. Prison staff are responsible for the grievance process, which means that prison personnel monitor themselves. Prison personnel often investigate their colleagues, which calls into question the objectivity and integrity of the grievance process. This process exposes incarcerated individuals to retaliation from staff named in a grievance. It can also span months,<sup>4</sup> making it ineffective in many instances. SB 87 would allow incarcerated persons to contact the Correctional Ombudsman Office by letter, through an in-person visit, or via a community oversight board. In addition, the Correctional Ombudsman would expedite complaints through independent and impartial investigation. Thus, SB 87 would remove delay, bias, and the threat of retaliation from the grievance process, and better ensure the basic services to which incarcerated individuals are entitled or otherwise deserve.

Independent oversight is proven to work in Maryland. In 2002, Maryland established the Juvenile Justice Monitoring Unit, which provides independent oversight of Maryland's juvenile justice system.<sup>5</sup> The Juvenile Justice Monitoring Unit has published eight reports that have led to improved youth safety and physical and mental health.<sup>6</sup> Like the Juvenile Justice Monitoring Unit, the Ombudsman would operate as an independent agency in the Office of the Attorney General. The Ombudsman's authority to conduct unannounced visits, interview incarcerated individuals, and publish reports would increase transparency by detailing conditions within Maryland's prisons. These reports would not only improve Maryland's prisons, but also would give Maryland taxpayers insight into the prisons they fund.

The nearly 18,000 people incarcerated in Maryland's prisons deserve an independent entity that ensures they receive the programming, healthcare, and living environment that dignity requires and that the state promises. The General Assembly and Maryland's taxpayers need insight into a prison system with a FY 2022 budget of \$828 million.<sup>7</sup>

Individuals incarcerated in Maryland deserve treatment that comports with our state and federal constitutions, as well as basic notions of dignity and humanity. The State should provide an effective, efficient, and transparent pathway for incarcerated individuals to raise their concerns. SB 87 provides the independent oversight critical to such pathways. For these reasons, we ask for a favorable report on SB 87.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

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<sup>4</sup> See Dep't of Pub. Safety & Corr. Servs., Div. of Pretrial Detention & Servs., Direction Number 180-1.06 (C), (G)-(I), <https://itcd.dpscs.state.md.us/PIA/ShowFile.aspx?fileID=990> (setting forth submitted grievances and appealing grievances decisions).

<sup>5</sup> *Juvenile Justice Monitoring Unit*, MARYLAND OFFICE OF THE ATTORNEY GENERAL, <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx> (last visited Feb. 5, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> Maryland Dep't of Pub. Safety & Corr. Servs., Q00B CORRECTIONS 13 (2022), <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2022fy-budget-docs-operating-Q00B-DPSCS-Corrections.pdf>.

**MD Catholic Conference\_SB 87\_FAV.pdf**

Uploaded by: Garrett O'Day

Position: FAV



**MARYLAND  
CATHOLIC  
CONFERENCE**

**February 8, 2023**

**SB 87**

**Office of the Attorney General – Correctional Ombudsman**

**Senate Judicial Proceedings Committee**

**Position: FAVORABLE**

The Maryland Catholic Conference offers this testimony in support of Senate Bill 87. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state’s second largest social service provider network, behind only our state government.

Senate Bill 87 would establish the office of correctional ombudsman within the Maryland Office of Attorney General. This would allow Maryland correctional inmates and their families a vehicle for complaints to ensure proper treatment within the correction systems, complete with remediative enforcement procedures. Correctional ombudsman would each serve a five-year term.

The Conference supports this bill as a means for ensuring the rights and dignity of incarcerated persons are both advocated for and respected. Prisoners should be ensured basic rights such as access to healthcare, sanitation, healthy food sources, protection from violence, mail delivery, access to educational materials, and proper access to legal representation. The Ombudsman will ensure these rights are afforded.

The United States Conference of Catholic Bishops has stated, “Punishment alone cannot address complex social problems in communities, or effectively help end cycles of crime and violence. A restorative justice approach is more comprehensive and addresses the needs of victims, the community and those responsible for causing harm through healing, prevention, education, rehabilitation and community support.” (Restorative Justice: Healing and Transformation of Persons, Families and Communities, USCCB, 2015) Catholic doctrine provides that the criminal justice system should serve three principal purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender.

Inseparable from the third of these is ensuring that the prison environment is one that fosters such restoration. The Maryland Catholic Conference thus urges this committee to return a favorable report on Senate Bill 87.



# **Senate Ombudsman Testimony.pdf**

Uploaded by: Gordon Pack, Jr.

Position: FAV

February 7, 2023

Re: Testimony in Support of SB 0087  
Correctional Ombudsman Bill

Dear Members of the Judiciary Committee:

I am a registered voter who resides in District #41. Having served over forty-two consecutive years in Maryland's prison system, I am all too familiar with the failures of prisoners, correctional staff, contractual services, and DPSCS policies and procedures. Thus, I support the Office of Attorney General - Correctional Ombudsman Bill.

Conflict exists within MD's correctional system. Though most differences are resolved in a timely fashion through established remedy procedures, some are not addressed quickly enough or appropriately. Physical altercations, illnesses, deaths, and unhealthy environments for residents, staff and civilians result from mishandled grievances.

So, a non-partisan agent overseeing statutory and regulatory provisions regarding correctional services is a public safety issue. The legislature enacted laws governing operations of prison facilities for this very reason. Correctional staff should be able to work and prisoners should be able to reside in productive and safe environments. After all, most incarcerated men and women will be released.

One has to question the effectiveness of the existing system of checks and balances. Most of us tend to do what is inspected as opposed to what is expected. It is not uncommon for some to overlook and conceal the shortcomings of peers. The fact that audit teams and investigative units report to the very people responsible for their paychecks is problematic.

Having a neutral party to investigate, oversee, and mediate the implementation of statutory and regulatory correctional service provisions is a means to ensure public safety. Again, I support Ombudsman Bill. More importantly, I urge you to vote favorably for SB 0097.

Truly yours,

Gordon R. Pack, Jr.  
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[gordon@prepare-parole.org](mailto:gordon@prepare-parole.org)  
Cell# 410-456-7034

# **SB 87 Testimony.pdf**

Uploaded by: Gregory Brown

Position: FAV



## Testimony for the Judicial Proceedings Committee

February 7<sup>th</sup>, 2023

### SB87 Office of the Attorney General—Correctional Ombudsman

#### FAVORABLE

GREGORY BROWN  
PUBLIC POLICY  
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OFFICERS AND  
DIRECTORS  
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PRESIDENT

DANA VICKERS  
SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB87, which would create a Correctional Ombudsman within the Office of the Attorney General. Maryland's correctional facilities are in need of an Ombudsman to increase accountability and transparency, remove access barriers in the grievance process, improve prisoner healthcare, and the overall upkeep and cleanliness of facilities.

This bill would increase accountability and transparency by allowing the Ombudsman to conduct unannounced inspections of facilities that have already been sent a letter of reprimand by the Corrections Commission. Unannounced inspections are vital to the effectiveness of the oversight of Corrections facilities. The audits currently conducted on Corrections facilities, including internal audits, have proved ineffective, as many of the same institutional issues such as lack of access to mental and physical healthcare, and grievance reporting issues persist.

#### **Complaint process**

Having an Ombudsman to submit complaints to is critical to the oversight of Corrections because it would give the incarcerated community an external entity to complain to. Often, inmates are not able to see their complaints addressed during the grievance process because those complaints do not even make their way up through the process. Relying on corrections officers and prison administration to adequately vet and address grievances made by inmates is one of the many reasons that the current process is ineffective. Black incarcerated people face the brunt of this problem as Black Marylanders make up 70% of Maryland's prison population. SB 87 would make sure that the complaints of Maryland's incarcerated population, specifically its Black inmates, have a real opportunity for their concerns to be voiced to an external entity.

For these reasons we urge a favorable report on SB 87.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

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FOUNDATION OF  
MARYLAND

**2023-02-08 SB 87 Support.pdf**

Uploaded by: Hannibal Kemerer

Position: FAV



**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE MCLAREN LANHAM**  
*Chief of Staff*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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February 8, 2023

**TO:** The Honorable Will Smith Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB0087 – Office of the Attorney General – Correctional Ombudsman –  
**Support**

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Chair Smith, Vice Chair Waldstreicher, and distinguished Members of the Judicial Proceedings Committee, I write to urge you to favorably report Senate Bill 87. This legislation, sponsored by Sen. Shelly Hettleman, would create a Correctional Ombudsman within the Office of Attorney General to oversee the Department of Public Safety and Correctional Services' treatment of prisoners in its care. In short, the Correctional Ombudsman would serve the same function in adult prisons that the Juvenile Justice Monitoring Unit (also within OAG) serves for the Department of Juvenile Services—that of an independent overseer. This will ensure that the State complies with prisoners substantive, procedural, and constitutional rights while they're incarcerated.

Section 2 of Senate Bill 87 also includes the necessary resources for the OAG to hire “at least two staff members” in 2024, and “at least seven staff members” in 2025, “and each subsequent year.” This is critically necessary because without adequate resources, our Office has been unable to stand up and hire an Educational Ombudsman even though one was called for in legislation that passed the General Assembly in 2020.<sup>1</sup>

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<sup>1</sup> Senate Bill 504/House Bill 699 (2000) created the Special Education Ombudsman in the Office of the Attorney General. The purpose of the Special Education Ombudsman is to serve as a resource to provide information and support to parents, students, and educators regarding special education rights and services. The Attorney General will be responsible for appointing the Ombudsman. The Ombudsman will serve as a source of knowledge and information on the State and Federal Laws, rules and regulations governing education of students with disabilities; provide impartial information to the parents of students with disabilities on how to navigate the process of obtaining special education evaluations and services, and additional duties serving parents, students and teachers in the state. In addition, the Ombudsman must, on or before July 1, 2022, and each July 1 thereafter, submit a report to the

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

For the foregoing reasons, the OAG urges a favorable report on Senate Bill 87.

cc: Members of the Committee

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Senate Education, Health and Environmental Affairs Committee and the House Committee on Ways and Means that includes: (1) number and types of calls received on the toll-free telephone during the previous year; (2) any patterns of complaints; (3) summary of the services provided by the Ombudsman during the previous year, and (4) any recommendations the Ombudsman determines are appropriate and necessary concerning the State's implementation of special education services. The bill passed, with amendments, in the House (129-1) and the Senate (34-11). The bill took effect July 1, 2020, but the neither the Governor nor the General Assembly ever appropriated any funds to fulfill this mandate.

# **WDC 2023 Testimony SB0087\_Final.pdf**

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**Senate Bill 87 - Office of the Attorney General - Correctional Ombudsman  
Judicial Proceedings Committee – February 8, 2023  
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2023 legislative session. WDC is one of the largest and most active Democratic clubs in our county with hundreds of politically active members, including many elected officials. WDC is joining with other criminal justice reform advocates to urge the passage of **SB0087** to establish a correctional ombudsman in the Office of the Attorney General.

WDC sees the health and safety of our communities as intrinsically linked to our system of incarceration and how we treat people who are or were behind the walls of the prisons. The impetus for this bill is a history of unacceptable conditions in Maryland's prisons and jails and the recognition that independent oversight could help pave the way for the transformative change in the system that is needed, and accountability for the results.

Although much of what happens in our correctional institutions has not been transparent, we do know that the Maryland prison and jail system has been found to be corrupt and/or inhumane in 2008, 2013, 2016, 2017, and 2019 and that there have been criminal convictions of multiple people related to drug trafficking and sexual assault.<sup>1</sup> We also know that thousands of people are released from Maryland prisons each year with insurmountable challenges because of their prison experience.

People behind the walls complain about abuse, unhealthy sanitation, unfair work conditions, and visitation policies that do not support families. People leave prison with mental and physical health disorders that were caused by incarceration, including excessive use of solitary confinement, that are not adequately addressed because of the lack of services or treatment. Inadequate training and skills development and education opportunities leave returning individuals unprepared to successfully reintegrate and take on roles as partners, parents, caregivers, employees, and community residents. Moreover, both the people who are incarcerated and staff can face retaliation for reporting abuse or complaining about deplorable or dangerous conditions. Unlike the juvenile facilities in Maryland, which have been subject to independent oversight since 2002 by the Juvenile Justice Monitoring Unit, the adult prison system is closed to outside review.

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<sup>1</sup><https://www.ma4jr.org/ombuds/>



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

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In July 2022, the Maryland Department of Public Safety and Correctional Services (DPSCS) reported that there were approximately 15,000 people in Maryland's prisons, of whom 70 percent were Black.<sup>2</sup> WDC strongly believes that as a matter of social justice, racial equity, and public safety Maryland needs to commit to operating a system that treats the people it incarcerates with respect and dignity and that recognizes the potential of people as human beings to improve themselves. Based on what we know about the culture and conditions in Maryland prisons, we think that having an independent ombudsman tasked with conducting investigations of prisoner complaints, making unannounced inspections of facilities, assessing services, programs, and policies, and making its findings public in annual reports could be instrumental in getting DPSCS on track to address the long-standing systemic problems in its prison facilities and achieve better outcomes for the thousands of Marylanders who are behind the prison walls and their families who share in the consequences of incarceration.

By passing SB0087, Maryland would be joining a diverse set of states that have passed similar legislation including Alaska, Washington, California, Florida, Indiana, Michigan, Nebraska, New Jersey, Texas, Hawaii, and Minnesota. Establishing an independent correctional ombudsman in Maryland is good government that can yield tangible benefits for the individuals who are incarcerated, their families, and the community-at-large.

**We ask for your support for SB0087 and strongly urge a favorable Committee report.**

Diana E. Conway  
WDC President

Carol Cichowski  
WDC Advocacy Committee

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<sup>2</sup><https://dpscs.maryland.gov/publicinfo/publications/pdfs/Inmate%20Characteristics%20Report%20FY%202022%2004.pdf>

# **senate ombuds testimony.pdf**

Uploaded by: Judith Lichtenberg

Position: FAV

**Testimony in support of SB87: Office of the Attorney General—Correctional Ombudsman Favorable**

My name is Judith Lichtenberg. I have lived in Hyattsville/University Park (District 22) for forty years and am professor emerita of philosophy at Georgetown University. Since 2016, I've been teaching, tutoring, and mentoring at Jessup Correctional Institute as well as the DC Jail. I was recently appointed to the executive committee of the [Maryland Alliance for Justice Reform](#) (MAJR) and I co-chair its Behind the Walls Workgroup. The bill for an independent correctional ombudsman bill was originally proposed by MAJR and is its top legislative priority this session.

Prisons in Maryland are dangerous and unhealthy. Incarcerated people are often subjected to acts of violence and other abuse, sometimes by staff. They often have trouble obtaining adequate medical care, diagnostic tests, and medication; getting mail, reading material, and access to libraries; doing legal research or obtaining legal representation. Programs for rehabilitation are in short supply. Family members often face obstacles in visiting their loved ones. Both incarcerated people and staff often face retaliation for reporting misconduct, which can then become widespread and entrenched. Prisoners often face retaliation if they seek redress of their grievances. Correctional administrations are notoriously defensive and closed to outside review.

As a regular presence at JCI, I have witnessed some of these problems firsthand.

In the past 11 years, Maryland's state correctional institutions have endured at least [six major criminal scandals](#).

What is needed is a completely independent oversight mechanism of Maryland's correctional system. So far [fifteen states plus the District of Columbia](#) "have established independent mechanisms for responding to complaints of incarcerated persons and/or for assessing and reporting on conditions of confinement." Other states have oversight of one kind or another. The Office of the Corrections Ombudsman (OCO) would be an independent, impartial public office—not part of the Department of Corrections—serving Maryland by promoting positive change in corrections. [A 2022 poll](#) sponsored by Families Against Mandatory Minimums found that 82% of Americans support independent prison oversight.

The OCO should have the authority to enter any facility at any time and talk to anyone as needed. It would be responsible for:

- Investigating complaints related to incarcerated persons' health, safety, welfare, and legal rights.
- Providing information to incarcerated persons and families regarding self-advocacy.
- Identifying and publicizing systemic problems.
- Monitoring and ensuring compliance of the DPSCS with relevant statutes, rules, and policies regarding the treatment of incarcerated persons under the jurisdiction of the DPSCS.

Correspondence and communication with the OCO would be confidential and privileged. The Ombudsman would not have the responsibility to fix the problems it identifies. Rather, its role would be to uncover and publicize problems and urge that they be addressed.

I urge you to pass SB87/HB64 in 2023.

**SB 87 Ombudsman IAHR.RJI Support 2023.pdf**

Uploaded by: Kimberly Haven

Position: FAV



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# Kimberly Haven

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February 6, 2023

Chairman Will Smith  
Vice Chairman Jeff Waldstreicher  
Senate Judicial Proceeding Committee

Senate Bill 87 –  
Office of the Attorney General – Correctional Ombudsman  
**POSITION: FAVORABLE**

Members of the House Judiciary Committee,

My name is Kimberly Haven, and I am the Legislative Liaison for Interfaith Action for Human Rights and the Executive Director of Reproductive Justice Inside. *I offer this testimony in support of SB 87.*

I have testified before this committee and stated that “we can’t fight or address what we can’t see, and we can’t see what they don’t show us.” SB 87 provides a mechanism for the oversight of the Department of Public Safety that is both long overdue and needed. I would be remiss if I did not acknowledge that the Department, in addition to its new leadership, has made significant progress in certain areas of operation – however, there is more to do.

This is good legislation. With this legislation, Maryland is now ideally positioned to usher in a new framework of transparency and accountability under the new leadership of DPSCS. This legislation allows for holding our system up for investigation and scrutiny. Advocates, families, communities, and taxpayers need this impartial body to ensure that our facilities are safe, that they are well managed and that all its operations are transparent. This legislation would strengthen and support other legislation soon to come before this committee, particularly Restrictive Housing Reforms (The Maryland Mandela Act).

To have an impartial entity both responsible for oversight and empowered with the tools and resources to investigate will shine a bright light on the conditions and concerns that have only deepened over the years.

What is significant about this legislation is its objectivity. We are all aware of PRISM which in the past has been the response to complaints against the Department. This organization is totally funded by the State which is tantamount to the police policing themselves. Routinely, they are not responsive

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to complaints or concerns from those incarcerated in our prisons and are not required to respond to advocates and attorneys. Why would they when the State is their client?

This legislation is good policy. It will move Maryland in the right direction – the direction of transparency and accountability.

As I stated in my opening, we can't fight or address what we can't see, and we can't see what they won't show us. SB 87 will bring to light what we must address within our correctional system.

For these reasons and on behalf of Interfaith Action for Human Rights and Reproductive Justice Inside, ***I urge a favorable report on SB 87.***

Respectfully submitted,

Kimberly Haven  
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# **SB0087 Testimony to Judicial Proceedings.pdf**

Uploaded by: Lauren Pruitt

Position: FAV



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Lauren Pruitt, Esq.

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The Honorable William C. Smith, Jr.  
Senate Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

February 6, 2023

### **Testimony of FreeState Justice**

#### **IN SUPPORT OF SB0087: Office of the Attorney General - Correctional Ombudsman**

To the Honorable William C. Smith Jr., Vice Chair Jeff Waldstreicher, and the esteemed committee:

FreeState Justice is Maryland's civil rights advocacy organization for lesbian, gay, bisexual, transgender, and queer (LGBTQIA+) Marylanders. We also provide pro bono legal services each year to hundreds of LGBTQIA+ Marylanders who could not otherwise afford an attorney and we advocate more broadly on behalf of the LGBTQIA+ community.

We write today in support of Senate Bill 87, which establishes the Correctional Ombudsman in the Office of the Attorney General. The type of direct and independent oversight established by this bill will directly impact our most vulnerable LGBTQIA+ clients, those who are incarcerated and under the jurisdiction of the Department of Public Safety and Correctional Services (DPSCS). This bill is extremely important to us because our community faces higher rates of incarceration than the general population. For instance, according to the 2015 U.S. Transgender Survey<sup>1</sup>, the largest and most comprehensive published survey of the United States transgender community to date, 16% of all transgender adults have been in a prison or jail. This compares

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<sup>1</sup> James, S. E., *et al.*, THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY at 154-55 (National Center for Transgender Equality 2016), *available at* <https://transequality.org/issues/resources/national-transgender-discrimination-survey-full-report>.

with 2.7% of all adults who have ever been in prison, and 10.2% of all adults who have ever been under any kind of criminal justice supervision, including probation.

FreeState Justice receives regular calls, emails, and intake requests from family members and friends of incarcerated individuals looking for assistance navigating the bureaucracies of the DPSCS. These profoundly serious complaints include, but are not limited to, the lack of access to basic necessities, healthcare, and prescriptions; improper and unsafe housing; sexual harassment and sexual assault; extended periods of solitary confinement for those in at-risk populations; and fear of retaliation and abuse. Our clients have very few options when reporting these issues and have limited means to find representation for habeas petitions and other court proceedings that take time and may not have an immediate impact on their treatment received while in detention. Often, we are only able to advise our clients to either follow the Inmate Grievance Office (IGO) process or to call the Prison Rape Elimination Act (PREA) hotline numbers. The IGO essentially requires them to submit a complaint to the very same officers for which they are reporting violations of various rules, regulations and/or constitutional rights. Access to the IGO forms can be limited or manipulated and coupled with a fear of retaliation, this has a chilling effect on the grievance process overall. The Ombudsman, reviewing the complaints as a neutral third party, will allow the reporting to be free from retaliation or coercion, can ascertain systemic problems and can expeditiously implement solutions to these problems. This could affect positive change that results in an overall reduction of the complaints relating to that particular problem as opposed to the limited effects of the case-by-case grievance process utilized by DCSPS. Similarly futile, calls made to PREA hotlines typically do not receive a response and the caller is not made aware of whether issues are being investigated and/or resolved. This is in stark contrast to the reporting requirements and public information sharing proposed in this bill.

We anticipate the data the Ombudsman's office will collect regarding the overall environment of Maryland's correctional system will be more accurate and reliable. The ability to visit any facility at any time and speak with anyone in that facility is an incentive for individual facilities leadership to ensure officers and staff are consistently following the proper policies and procedures. This should result in a more positive rehabilitative environment, which can not only sustain and reassure the security and safety of the incarcerated, but also the officers and staff of the facilities. With a vibrant and vigorous oversight process, we can see decreased complaints overall and, in concert, reduced recidivism rates across the state.

We are confident the Ombudsman's office will create a heightened awareness of the confinement conditions experienced by the LGBTQIA+ population. This will better assist advocates and attorneys in assessing these conditions and working together within the system to create an environment that promotes the safety, mental well-being, physical well-being, and overall health of this vulnerable population.

We join others in the efforts to eliminate widespread corruption, harassment, abuse, and the systemic dysfunctions within our detention centers and our correctional system as a whole, and this bill would put us closer to fulfilling DPSCS's mission of "protect[ing] the public, its employees, and detainees and offenders under its supervision."

For these reasons, FreeState Justice urges a favorable report on Senate Bill 87.

Lauren Pruitt, Esq.

Legal Director, FreeState Justice

# **Written Testimony of Marsha Briley (SB87) 02072023**

Uploaded by: Marsha Briley

Position: FAV

**Written Testimony of Marsha Briley**  
**Former DPSCS Employee**  
**In Support of SB 87**  
**Maryland Senate Judicial Proceedings Committee**  
**February 7, 2023**

I want to thank the Chair, Vice-Chair, and members of the Senate Judicial Proceedings Committee for the opportunity to provide written testimony in support of SB 87, a bill to establish an independent ombudsman office within the Office of the Maryland Attorney General, to provide independent oversight of the Maryland Department of Public Safety and Correctional Services (DPSCS).

I am a former employee of DPSCS and advocate working with the Maryland Alliance for Justice Reform. I was a state employee that held several positions in state government to include leadership with oversight of staff, contracts, MOUs, programs and policy development and implementation. I am in support of independent oversight of DPSCS because of the unscrupulous practices for which I have personally witnessed from my seat in various positions with DPSCS. I have personally been subjected to retaliation for being ethical and transparent in the performance of my duties which were aligned with state policies, procedures and legislation as will be enumerated in this document.

There were a couple of organizations that receives funding through DPSCS to provide reentry and transition services. One of the organizations billed for services that were not performed and due to their personal and political relationships with executive leadership within DPSCS, they have been able to submit substandard reports and invoice for services in the amount of \$250,000 per year. During COVID and prior to my departure from DPSCS, this organization submitted an invoice for several thousands of dollars for services they stated were performed during COVID. I refused to approve the invoice and requested documentation of services as all facilities were closed to all programs. The organization was unable to submit appropriate documentation. There were several meetings held to discuss my request. The organization contacted the Office of the Secretary and I was pressured to sign the invoice, however I refused. Additionally, the organization submitted a letter stating that they were a sole-sourced service and were the only organization that provided this service. I found that not to be true as another jurisdiction provided this service in their detention center, however they were independent of this organization. I involved the Procurement office to ensure we were in compliance with State procurement laws and was involved in developing the IFB, however that process never was completed. I and the former Deputy Director of Procurement were ostracized by Office of the Secretary. Our work life became very difficult and was ultimately ended. There was a lack of accountability on every level and most importantly, as with several other instances, the population lack access to appropriate services.

In October 2017, the Maryland General Assembly passed the Justice Reinvestment Act. We are 6 years later and they still are struggling to implement various components of this legislation. DPSCS has failed with implementation of the law specifically in the following areas:

- Inmate Risk and Needs Assessments to Focus Corrections Programs and Treatments – Correctional Services (CS) Art., § 3-601
- All Offenders Screened for “Risk Level”; Use of Risk Needs Assessment – CS Art., §6-104 & 6-111
- “Evidence-Based” and Innovative Corrections Programs – CS Art., §6-119
- Annual training for all Parole & Probation staff on risk factors, interventions & behavior mgt.
- Restitution Withheld from Inmate Earnings – CS Art., §9-614

In closing, DPSCS has historically and most recently been a closed society operating outside of the rules and laws of this state. The accounts from the population and the advocacy groups of the physical mistreatment of the incarcerated population and the lack of staff accountability from the Office of the Secretary down to the line staff is really the surface account of the embedded culture of bullying and arrogance of this state agency. These incidents are merely symptoms of the engrained culture and mismanagement of resources. DPSCS is required to implement evidence-based programs, however they are creating invisible barriers to vetted organizations to provide services to the incarcerated population. Additionally, the individuals who are under supervision by Parole and Probation are also lacking in gaining appropriate services due to the failure to conduct a validated risk and needs assessment. The agency is broken from the time an individual is incarcerated to the time they are placed on community supervised. It is imperative that this legislation passes to ensure there is transparency and accountability within DPSCS, who is charged with protecting our community, their staff and with the care and custody of our most vulnerable populations.

Respectfully submitted,

*Marsha Briley*



**FAV\_SB87\_Ombuds.pdf**

Uploaded by: Maryland Prisoners Rights

Position: FAV



P.O. Box 386, Thurmont, MD 21788  
[www.marylandprisonersrights.org](http://www.marylandprisonersrights.org)

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February 7, 2023

Favorable: SB0087/HB0064

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee.

Maryland Prisoners' Rights Coalition is an organization working to improve the conditions of confinement for the incarcerated in Maryland. Over many years, we have identified many risks to prisoners' health and safety. Consistently, the worst of them is the availability and quality of health care services provided in Maryland prisons. We have fought to change these practices.

**Our Process:** Many inmates, families, and advocates contact us with issues concerning conditions of confinement. As part of our client intake process, we ask them to complete a request for information form, which is submitted to DSPCS for our clients' medical records. Over the course of the years, we have found that DSPCS lacked proper medical records and unclear policies, and our interrogatories received vague replies. Further, we have discovered egregious practices and a starkly inadequate standard of care. When our clients return home from incarceration, they often have a myriad of health problems requiring specialized care that, if treated properly, they would not have had, sometimes with catastrophic consequences.

For example, at the beginning of the COVID Pandemic, we found that, despite the Department of Public Safety and Correctional Services (DPSCS) emergency spending on cleaning supplies, the hygiene precautions were insufficient to keep at-risk populations safe within the JCI facility. The facility logged 353 positive cases which constitutes a 6% positive rate in the completed tests. At the beginning of 2020, according to DPSCS's report from 12/28/20, JCI only reported 222 cases out of 5,574 tested, a 4.8% positivity rate. Based on these statistics and the reports of hygiene deficiency we've received from incarcerated individuals, the measures taken by the facility are inadequate to protect residents from exposure. This has been continuous in all aspects of confinement.

We have found that the healthcare provided by DSPCS' vendor, YesCare (formerly Corizon), is self-regulated with no compliance standards, and has been cited in many states for not upholding their contract of care and having their contract terminated.

# MPRC

P.O. Box 386, Thurmont, MD 21788

[www.marylandprisonersrights.org](http://www.marylandprisonersrights.org)

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In Maryland, YesCare won the contract by bidding 680 million dollars, but that falls 132 million dollars short of providing adequate care for the contract period. On many occasions, we run into non-compliance of the very COMAR that protects incarcerated individuals. Whether caused by a lack of knowledge or a lack of process, these very challenges further violate our clients' rights to adequate and sufficient care. These organizations **CANNOT REGULATE THEMSELVES, THERE MUST BE OVERSIGHT!**

SB87/HB provides vital oversight in the correctional system and is pertinent to reforming the accessibility of quality care in Maryland's prisons. This is a legal, social, economic, and moral problem.

For these reasons, we implore the committee to return a favorable report on SB87/HB64.

**FAMM SB 87 Prison Oversight Stmt 2.8.23.pdf**

Uploaded by: Molly Gill

Position: FAV



**Written Testimony of Molly Gill**  
Vice President of Policy, FAMM  
**In Support of SB 87**  
Maryland Senate Judicial Proceedings Committee  
February 8, 2023

I thank the Chair, Vice-Chair, and members of the Senate Judicial Proceedings Committee for the opportunity to provide written testimony in support of SB 87, a bill to establish an independent ombudsman to provide oversight of the Maryland Department of Public Safety and Correctional Services (DPSCS). I write on behalf of FAMM, a national sentencing and corrections reform organization. **FAMM supports SB 87 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 Marylanders 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. Maryland 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 DPSCS. The independent prison oversight envisioned in SB 87 will provide the transparency and accountability these families and taxpayers need and deserve.

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>1</sup> Independent oversight is long overdue for DPSCS, an agency with a \$1.4 billion annual budget, almost 18,000 incarcerated people in its care, and more than 9,000 state employees on its payroll.<sup>2</sup>

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 87 would achieve these goals.

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<sup>1</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>.

<sup>2</sup> Dep't of Pub. Safety and Corr'l Svcs., Fiscal 2023 Budget Overview, at 2, <https://mgaleg.maryland.gov/pubs/budgetfiscal/2023fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>.



The ombudsman envisioned in SB 87 is similar to other fully independent prison oversight bodies in Washington State, Ohio, Pennsylvania, and New York.<sup>3</sup> States as varied as Virginia, Missouri, Mississippi, 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 DPSCS'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 DPSCS 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 one despite following all of the DPSCS's rules. Oversight encourages increased professionalism at every level of an agency.

Lawmakers also benefit 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 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.

**We hope the legislature will adopt SB 87 this year to begin making the state's prisons more transparent and accountable.**

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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).

**JJMU SUPPORT - SB 87 - OAG - CORRECTIONAL OMBUDSMA**

Uploaded by: Nick Moroney

Position: FAV



STATE OF MARYLAND  
JUVENILE JUSTICE MONITORING UNIT

**TESTIMONY IN SUPPORT OF SB 87: OFFICE OF THE ATTORNEY GENERAL –  
CORRECTIONAL OMBUDSMAN**

*Judicial Proceedings Committee*  
February 8, 2023

**Submitted by Nick Moroney, director, Juvenile Justice Monitoring Unit (JJMU)**

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The Juvenile Justice Monitoring Unit (JJMU) supports SB 87 which will improve safety and services inside Maryland's prisons by providing independent oversight of the corrections system. Our unit was established as an independent state agency in the wake of widespread systemic abuse issues in the Maryland juvenile justice system. We are currently housed in the offices of the State Attorney General. Unit monitors perform unannounced visits to Maryland Department of Juvenile Services' (DJS') operated facilities in order to guard against abuse of incarcerated young people and ensure that they receive appropriate treatment and services. The JJMU has been instrumental in driving positive changes by increasing system transparency and accountability as well as raising awareness about the needs of incarcerated children and young people in Maryland. Our public reports can be accessed via the following link: <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx>

Unfortunately and in contrast to the Maryland juvenile justice system, people housed in prisons in our state have been left without the protections and early interventions that an effective independent watchdog can bring. We have found that external oversight works as an essential safeguard against the many kinds of abuses that can occur inside high fences and behind locked doors, and we believe that the Ombudsman's office as envisioned by SB 87 can accomplish a similar mission to ours by helping to transform the corrections system for the better. We have worked constructively with stakeholders throughout the juvenile justice system in pursuit of our mission and the proposed Ombudsman's office can achieve similar success through positive collaboration with those involved and impacted by the Maryland corrections system.

We are confident that the Ombudsman's office will mitigate abuse and help to address potentially serious shortcomings before they become chronic systemic issues. The passage of SB 87 into law will bring much needed transparency, accountability, and oversight to Maryland's prison system and will promote the safety, health, mental health and overall well-being of individuals in state custody by ensuring that incarcerated people receive adequate rehabilitative services to facilitate successful community re-entry.

Public reporting requirements within the bill will keep Maryland citizens and criminal justice stakeholders aware of systemic issues and proposed solutions to problems within the correctional system. This heightened awareness of conditions of confinement is an essential first step toward constructive prison reform measures leading to a more effective corrections system – one that better equips imprisoned people for a productive life in their communities. Such an outcome will help reduce recidivism, strengthen families and communities, and result in enhanced public safety for our state.

**For all the reasons just given, the JJMU strongly supports this bill and respectfully urges the committee to give SB 87 a favorable report.**



# **Deb Shipman Testimony - Ombudsman Bill.pdf**

Uploaded by: Olinda Moyd, Esquire

Position: FAV

Deborah Shipman

Regarding Supporting and Creating an Office of Correctional Ombudsman in the State of  
Maryland

Maryland's Prison System

My name is Deborah Shipman, and I am a concerned Maryland resident, an advocate, and a mother of a lifer with mental health needs in prison.

I am testifying on how the lack of funding for mental health care and the services have made it difficult for my son and the stress it has caused me. Communication (poor dialogue) between some incarcerated individuals and correctional officers is also problem.

Many individuals with mental illness face many challenges. Untrained officers are failing (intentionally/unintentionally) to communicate effectively with individuals. There are different levels of mental illnesses, and all are not the same. Training on mental illness is greatly needed. It has been observed, there is also a language barrier between the population and officers (English is spoken but the content is not understood fully sometimes).

There is a great need to hire highly qualified staff (medical and correctional officers) and mandatory appropriate training should be administered periodically. Everyone deserves access to appropriate mental health treatment, regular and access to mental health providers, and access to medications.

#### Son's Struggle

My son distrusts the institution. Him and others had observed the reaction of medication for mental illness been given to individuals. Later discovered they were given the wrong drug and suffered and did not recover fully from it. My son completed correspondence courses to help himself when confronted in certain situations. He still struggles with officers who intentionally ignores some of his requests, uses offensive language (curses), and is given untruthful facts. My son had been placed in solitary confinement with no explanation, when asked.

A problem with communication: Even before COVID, sometimes the population does not receive important/adequate supplies that a prison facility should have in stock. The institution response was (and it is still happening) supplies are not available in the facility, and they have to wait for a long period of time. To name a few supplies such as: toothbrushes, a great delay in mail delivery, inmate financial account. The latest issue now is **deodorant**.

#### Medical Issue in 2016

My concern was about my son's infected finger (black and green with puss secretion) which needed serious medical attention. He was given a lot of pain pills. On March 8, 2016, my son told me he sent a medical request on March 4, 2016, and was seen March 7, 2016. He said the nurse did not give him any antibiotics for his finger. The nurse told him she could not do nothing about his finger, and he will probably see a doctor next week.

On March 9, 2016, I spoke with a nurse at the facility in regards to the issue. The nurse said she will look into it and asked me to call her the next day. I tried to call her again and was not successful. The person who answered the call said the nurse will be in meetings all day. I also spoke with my son's case manager in hope to know whether or not my son was given antibiotics and his finger drained from the infection. I was told the HIPAA (Health Insurance Portability and Accountability Act) law prevents him and others from obtaining information from a person's medical records. I was later told he will have my son to call me and advised me to contact the Assistant Warden.

I felt a need to testify. Appropriate mental health and services along with excellent communication training can save lives in the prisons/jails and lessen the complaints to the Warden.

I have been indirectly affected by this issue. The concern was my son overdosing on pain pills that was given to him and losing a finger. The roadblock was, while the nurse was away, no one was available that was knowledgeable about my son's condition. I tried to contact others and no one could help me. I felt my son and others were unsafe in prison. There is a problem with the HIPAA Law which prevents a close family member on record to obtain information about, whether or not, immediate attention is being or was given to their love ones in prison/jail.

Individuals with mental illness face many challenges and do not need additional stress neither does their care takers outside the prison walls. Confined in a prison with burdens placed on them does not help them psychologically. Prison is not the way but evaluating and placing people with mental disabilities in a safe and environment is more promising for them and a great asset for our community.

Thank you for reading my testimony. Your consideration of this matter is very much appreciated.

Deborah Shipman

# **O. Moyd Testimony SB 0087 - February 2023 Correcti**

Uploaded by: Olinda Moyd, Esquire

Position: FAV

# MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



## Testimony In SUPPORT of SB 0087 – Office of the Attorney General – Correctional Ombudsman Before the Senate Judicial Proceedings February 8, 2023

**Submitted by: Olinda Moyd, Esq.  
Chair, Behind the Walls Workgroup  
Maryland Alliance for Justice Reform**

Transparency and accountability are hallmark to the efficient operation of many forms of government systems. The daily administration and operation of our corrections facilities should be no different and the walls built to keep detainees confined should not also be used to keep constituents and government officials out. There are several reasons why The Maryland Alliance for Justice Reform has proposed and SUPPORTS this bill establishing of the Correctional Ombudsman Office.

As a volunteer, I chair the Behind the Walls Workgroup for MAJR and we receive numerous correspondences from individuals detained in Maryland's prisons sharing personal experiences and complaints about critical problems such as the lack of proper medical care; limited or no access to mental health services; the abrupt disruption of rehabilitation programs and educational services; and the overuse of solitary confinement. All of these issues should be addressed urgently before they balloon and become systemic issues. Having been involved in prison litigation for years, I am keenly aware that class action lawsuits and even individual prison litigation can be costly and time consuming. The Prison Litigation Reform Act (PLRA) has made litigation even more challenging for prisoners to pursue.<sup>1</sup> Even before an individual considers filing litigation they must first exhaust their administrative remedies. The Administrative Remedy Procedures are spelled out in COMAR 12.02.28.1 However, many individuals behind bars repeatedly experience that the ARP process is ineffective and their written grievances are discarded and rarely resolve issues. If the APR coordinator is out on leave their complaints go unresolved, or they get dismissed at the first stage for procedural reasons. Many of the men and women fear retribution because the staff member being complained about is often the person who the written grievance must go through to

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<sup>1</sup> The Prison Litigation Reform Act (PLRA), 42 U.S.C. Section 1997e, was passed in Congress in 1996, makes it harder for prisoners to file lawsuits in federal courts. The Act requires courts to dismiss civil right cases for minor technical reasons before reaching the merits of the case, requires the payment of filing fees, caps attorneys fees and requires exhaustion and that individuals prove unlawfully inflicted physical injury. See *Slamming the Courthouse Door: 25 years of evidence for repealing the Prison Litigation Reform Act*, Prison Policy Initiative, April 26, 2021 by Fenster & Schlanger.

reach the grievance office. Regular monitoring and reporting by a correctional ombudsman allows for early detection of problems and addressing them in lieu of waiting for months to complete the ARP process.<sup>2</sup>

The entire community is impacted when oversight fails and avenues for redress are limited. It is clear that maintaining family connections during incarceration fosters healthy relationships and helps to maintain the family unit, it enhances the well-being of the individual who is incarcerated and it facilitates their post-release success. It also serves to maintain peaceful operations within the institutions. However, self-help programs designed to engage family members like Family Day often get discontinued randomly, without advance notice or explanation and family members get banned, turned away and are treated like criminal suspects during social visits. Volunteers and family members should be treated with respect and have an avenue to complain without fear of reprisal, which is one essential element in this bill. Volunteers have kept many of the limited programs afloat even during the pandemic. They should not be made to feel unwelcome and the value that they bring to institutional operations must be recognized.

The Correctional Ombudsman would also provide an opportunity for staff to confidentially share their concerns about past incidents and about emerging problems, and to highlight those aspects of prison operations that are working well. Having an external, independent oversight can be effective and positively impact the overall facility operations for both staff and the incarcerated population alike. Per State regulation<sup>3</sup> the Maryland Commission on Correctional Standards sets the minimum mandatory standards applicable to security and inmate control, safety, food services, housing and sanitation, classification and administrative record keeping. They are required to publish annual reports. The last report published and made available to the public is dated 2020<sup>4</sup>. In the summary of this report it is noted that the Commission audited 14 correctional facilities during FY 2020. It further notes that several audits were cancelled due to the pandemic and that FIVE of the facilities audited were found to be in total compliance with all of the minimum standards for prisons of adult confinement. One of the facilities listed is the Washington County Detention Center. Ironically, in July 2021 it was reported that detainee, Jazmin Valentine was left to give birth alone on the dirty, concrete floor of her solitary confinement jail cell while detained in local detention in Washington County<sup>5</sup>. Independent oversight and an avenue for individuals like Jazmin to reach out to when no one else hears her complaints are sorely needed.

I recently engaged with an older gentleman detained at the Maryland Correctional Institution – Hagerstown who is plagued by a myriad of chronic physical health conditions, including coronary artery disease, hypertension, hyperlipidemia, degenerative disc disease, deep vein thrombosis, glaucoma, asthma and arthritis. After having a balloon angioplasty, he was scheduled to return to the hospital for follow up care, but was not transported until eight months after the surgical procedure, despite his valiant attempts to notify medical and administrative staff about his need to return to the hospital.

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<sup>2</sup> Code of Maryland Regulations, Title 12. Department of Public Safety and Correctional Services, Administrative Remedy Procedures to Resolve Inmate Complaints

<sup>3</sup> See Correctional Services Article, Section 8-114, Annotated Code of Maryland (2017 Replacement Volume and 2022 Supplement).

<sup>4</sup> See Maryland Department of Public Safety and Correctional Services, Maryland Commission on Correctional Standards, 2020 Annual Report.

<sup>5</sup> [Lawsuit says woman gave birth alone on Maryland jail floor \(nbcnews.com\)](https://www.nbcnews.com/news/health/lawsuit-says-woman-gave-birth-alone-maryland-jail-floor-nbcnews.com)

The bill outlines the authority of the Correctional Ombudsman to:

- Investigate administrative acts;
- Conduct independent reviews and assessments;
- Cooperate with any agency in efforts to improve functioning;
- Inspect facilities unannounced;
- Seek to resolve complaints through mediation or conflict resolution;
- Maintain a website and provide reports; and
- Adopt regulations necessary to carry out these functions.

This office would operate similarly to the Juvenile Justice Monitoring Unit, which has enhanced transparency. Most importantly, the American Bar Association policy on oversight calls on every state to create similar oversight.<sup>6</sup> This Correctional Ombudsman office would be enhanced by the support of the community-based advisory committee made up of a broad range of individuals, to include returning citizens.

The Correctional Ombudsman bill is designed to meet what the ABA calls for. Without a system of external oversight there are few ways to determine if Department of Public Safety and Correctional Services priorities and mission are consistent with actual practice.

We urge a favorable report.

Thank you for your time and attention.

Olinda Moyd, Esq.

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301-704-7784

Resident of Prince George's County/District 23

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<sup>6</sup> See ABA Report to the House of Delegates, Monitoring Correctional and Detention Facilities, January 2018

# **Testimony on MGA Senate Bill 0087 - Carolyn Carter**

Uploaded by: Olinda Moyd, Esquire

Position: FAV



## SENATE BILL 0087

### IN FAVOR

I am Carolyn Marie Carter. From 1987 to 2020 I served as a social worker and regional social work supervisor in the Maryland Department of Public Safety and Correctional Services. During those 33 years, I observed the extreme challenges facing those living and working in Maryland's prison system. I also observed people who used their positions to violate the rights of others as well as the infringement of organized criminal gangs which increased drastically over the years. The COVID pandemic brought many restrictions that unfortunately increased the tendency of some staff to shirk their responsibilities. Over the years, I encountered prison system administrators, officers, residents, and non-custody staff in various roles. Many of these individuals wanted to do what needed to be done to keep the facility safe, perform their work, do their time and hopefully go home safely. However, the very nature of the system creates opportunities for people with illegal or inhumane practices to operate with little or no restriction or consequence. Accountability is virtually meaningless when only people within the system have responsibility for auditing and reporting on the state of operations. Self preservation prevents them from confronting the crimes and negligence, and truthfully reporting the problems. This is why I urge you senators to pass SB 0087 to establish a Correctional Ombudsman in the Office of the Attorney General to provide eyes and ears independent of the DPSCS.

For sake of illustration, I will tell you about few experiences I had while working at Eastern Correctional Institution.

The first occurred in the beginning when just after academy I began working as a newbie in the system. I was told that academy was a requirement, but the things learned there did not necessarily apply in the real world. This was in 1987 when Eastern Correctional Institution (ECI) was just opening. Many of the officers on board when residents first arrived came from other regions where they had prior experience. Some officers bragged about cruel and abusive behavior toward residents. For example, I remember hearing a group of officers joke and laugh about how they "sheeted an inmate." This involved throwing a sheet over a man in his cell so he couldn't see who was beating him up. Several officers participated in the beating and they were smug about how that individual would not be causing any more trouble.

I wish I could say that things improved over the years, but while there were changes, abuse and neglect continued and took on new forms.

Another example that comes to mind occurred when a psychologist and I started a cognitive treatment program for men on disciplinary segregation, i.e. "lock up." There was a lot of opposition to the very idea, but when we were able to provide this service to men with a history of repeated rule violations, the results were extremely good. Most did not return to segregation. However, some officers deeply resented our involvement on their turf. One man in particular made it his business to harrass and abuse the residents who were participating. Each time I started a new group, I could count on hearing about this officer within the first few sessions. The residents didn't even have to tell me his name (which some were afraid to do), because the behavior pattern was unique and consistent. He would deny the participants exercise time, personal items and meals, and talk to them in demeaning and threatening

ways, all the while cheerfully whistling Christian hymns. When I complained to his superiors, they said there was nothing they could do. I was told he was a good officer and the "inmates" were playing me. Eventually, as complaints continued, he got moved to a different housing unit in general population. But, before too long he was back in the lock up unit where he preferred to work.

Later when another social worker and I were leading a group session, one of the participants (a gang member) attacked another man (a rival gang member) in the room. The only officer available to observe was the sergeant operating in the control bubble. He called for other officers to respond, but by the time one of them showed up my colleague and I had subdued the attacker. (The other man did not fight, he just put arms up to defend himself.) The attacker later admitted that he had been ordered to attack by a higher ranking gang member. I don't think he wanted to do it, but would have faced consequences if he had not. He did not use the shank (knife) that the officers found hidden in his shorts.

In the end, we were told that changes in the segregation unit made it impossible for us to continue doing the program on segregation.

Another program that was initiated but did not receive sufficient support occurred within the last few years of my tenure. With initial administrative support and involvement of custody staff, we initiated a program to train residents to become Certified Peer Support Specialists and help us run a behavioral health program. A tier in one housing unit was designated for this program, where peers- and mentors-in-training worked with other residents regarding their addiction and behavioral needs. Meetings were held on the tier and many of the participants showed progress. However, before long we began to get input about gang activities and drug sales on the tier that were impeding the participants' efforts. We also encountered hostility from certain correctional officers. It seemed as if the program was disrupting business. More and more restrictions were placed on what we could do. Tier meetings were curtailed and then prohibited. We heard about a cadre of officers who were bullying and beating residents, but when we tried to report this, the lieutenant in charge told us that the officers were his "family" and they would not be disciplined or restricted. Although we did succeed in training some men and helping them become certified peers, their work, as ours, was greatly impeded by what I believe to be underlying criminal activities within the institution and system.

In my final year (2019-2020), COVID restrictions made it increasingly difficult to do any work with residents. My opinion is that having fewer activities became comfortable to some staff members and little work was being accomplished, even after restrictions were relaxed.

Again, please support the establishment of a Correctional Ombudsman in the Office of the Attorney General that will provide eyes and ears independent of the DPSCS. Thank you.

**Support SB 87 - Corrections Ombudsman Act.docx.pd**

Uploaded by: Philip Caroom

Position: FAV

# Support SB 87 – Correctional Ombudsman Act

**MARYLAND ALLIANCE FOR JUSTICE REFORM**  
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Com.  
FROM: Phil Caroom, MAJR Executive Committee  
DATE: February 8, 2023

Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) strongly bipartisan-sponsored SB 87 to create an independent Correctional Ombudsman office that will bring transparency and identify solutions for the many long-standing problems of Maryland prisons.

**How would ombudsman offices improve, and not duplicate, Md. prisons oversight?:** An ombudsman office would be independent, not under direct control of Correctional administrators, instead housed within the Attorney General's office. With unannounced inspections, "whistle-blower" protection, alternate dispute resolution (ADR), and public reports and recommendations, an ombudsman office would improve functioning of Maryland prisons because:

-Correctional Standards Commission (CSC) provides only pre-scheduled (sometimes, self-reported) inspections by colleagues and CSC would receive results of Ombudsman's unannounced inspections;

-DPSCS Inspector General prosecutions would receive information from ombudsman investigations in addition to traditional sources and has advised MAJR it sees no duplication of functions;

-DPSCS administrators, constrained by political concerns to "put the best face" on problems in press releases, would have their many needs more fully articulated and publicized; and

-DPSCS Administrative Remedy Procedure (ARP) and Inmate Grievance Office (IGO), today, offer an extremely bureaucratic process in which prisoners make initial complaints to the same correctional officers who often are the subjects of the complaints and may obstruct the process. If dissatisfied, prisoners face four-levels of adversarial review -- three of which involve costly attorneys & judicial officers. An ombudsman would provide a neutral mediator who could offer possible resolutions at the earliest level(s) and would assess chronic problems in the system.

**What's the problem?:** Maryland prisons, traditionally, experience management problems due to political pressures, budget constraints, and inconsistencies between centralized control and decentralized fiefdoms of wardens and correctional administrators. Full disclosures also are obstructed by political / public relations concerns and bureaucratic defensiveness. Resultant problems and ombudsman solutions include:

## ***Systemic problems***

## ***Ombudsman solutions***

1) Smuggling of contraband and abuse of prisoners by rogue correctional officers- News reports indicate approximately 50 Md. DPSCS correctional officers in six state prisons indicted in the past several years. The Division of Corrections' most common response has blamed and restricted prisoners' family visitation. But unreported prisoner overdoses continued during the pandemic, despite the interruption of visitors!

Confidential reports as to correctional officers' corruption would become easier with an ombudsman statute preventing whistle-blower reprisal against inmates and conscientious colleagues. **Compare Baltimore Sun, 4/16/19 report as to "Prison Smuggling" indictments that resulted from a prisoner's tip.**

2) Prisoner healthcare & substance abuse concerns– This is the single most common use by sister states' programs and a huge expense for Maryland prisons.

Notably, active substance abuse within Maryland prisons is untreated in the majority of those suffering and due to the shocking scarcity of treatment resources. **See testimony of Anita Weist.**

(continued on p.2)

Ombudsmen's careful study of medical records in other states has helped to triangulate, identify problems and permit more efficient management. For example, the **N.J. Corrections Ombudsman office reports that it "greatly reduced" the number of lawsuits filed against its state's prisons.** That office also is tasked with monitoring statutorily restricted use of solitary confinement. **Other states have identified particular prison health care offices that create the majority of problems.**

3) Disregard by DPSCS correctional officers of COVID-19 rules over many months – Early reports by Md. prisoners, families & advocates were ignored until statistics showed alarming outbreaks, such as that at Eastern Correctional Institute where 63 new cases were reported in a single week on 11/18/20.

An independent ombudsman would carry more credibility and, thus, bring quicker responses. **In Nebraska's correctional ombudsman-equivalent Inspector-General's office (OIG), OIG engaged in almost daily communications with corrections administrators until changes were implemented.**

4) Inadequate education, vocational, peer mentoring, and counseling services-While DPSCS webpages cherry-pick minimal facts as to educational and vocational accomplishments, these lack proper context.

Even the most effective and cost-efficient behavioral management programs, such as "Thinking for a Change" using peer mentors, were cut in recent years. GEDs, job-training, and drug treatment numbers all dropped in the same period. Such programs, as well as education and vocational training, both reduce prison security problems and prisoners' recidivism upon release. An ombudsman report could offer the "big picture" and full context as to how cuts hurt our prisons' rehabilitative effectiveness. **See testimony of former ECI warden - Kathleen Green.**

5) Overly-harsh bans of prison volunteers and family members despite inadequate notice of rules- Over many years, volunteers and family members report years-long "banning" from Md. prisons for minimal violations of wardens' little-publicized rules against "social contact" with inmates like sending a birthday card or a reminder of upcoming classes within the prisons.

**See, e.g., testimony of Mary Joel Davis – being banned 6 months for sending a reminder postcard after years of volunteer work with prisoners' group-counseling. An entire group of volunteers was banned 2 years for signing a birthday card to a prisoner. Also, see testimony of Lea Green, president of Maryland C.U.R.E. - and mother of a "lifer," banned 5 years for a brief greeting to another prisoner in a hallway.** An Ombudsman report and recommendation could help standardize volunteer/visitor rules and minimize sanctions that, today, prevent rehabilitative contact with the community outside the prisons.

**Will this work?:** Maryland's successful Juvenile Justice Monitor Unit (JJMU) has operated since 2006 as an independent ombudsman-like program for our State's 7 juvenile (temporary) detention and 4 committed (longterm) placement units. It offers an excellent model for cooperation rather than duplication and for prevention rather than crisis-response. **See testimony of Nick Morony, JJMU director.**

Eight sister states and many large counties—18 jurisdictions in all— have adopted correctional ombudsman or other oversight systems with various names and mandates. (See "***But Who Oversees The Overseers?: The Status Of Prison And Jail Oversight In The United States,***" Prof. Michele Deitch, *American Journal of Criminal Law* (2021).)

With his 10/10/19 proclamation, former Governor Larry Hogan joined a national trend of support for ombudsmen as an alternate dispute resolution (ADR) system to provide an "essential supplement" and "powerful risk management" for government and other organizations. Organizations specifically endorsing and promoting correctional ombudsman use include the American Bar Association and the U.S. Ombudsman Association

**Conclusion:** Phased in with a first-year pilot plan focused on Jessup institutions and system-wide gaps in services (education, job-training, drug-treatment, peer-counseling), SB 87 could help to make big improvements in Maryland prisons at comparatively small costs. Please give a favorable report to this important bill!

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*PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary.*

# Support SB0087.pdf

Uploaded by: Rebecca Benzer

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I am a longtime resident of Maryland, and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a resident of District 31, and I am testifying in support of Senate Bill [SB0087](#).

I am urging you to support this bill for all of the same reasons listed by the Maryland Alliance for Justice Reform (MAJR) in their issue brief: [Prison Oversight: Establishing a Maryland Correctional Ombudsman](#).

According to MAJR:

“The Ombudsman office will investigate complaints from women and men behind bars, staff, volunteers and family members. This office will conduct independent reviews and inspect the prison premises via unannounced visits. Findings will be reported within 30 days after investigations are complete and the complainants will be notified about actions taken, which could include resolution through mediation. An Ombudsman advisory board, drawn from returning citizens, nonsupervisory staff, family members, social workers and others, also will assist to identify priorities for investigations.

With the Correctional Ombudsman bill, we can create an environment that respects the rights of persons detained, family, volunteers and staff. Transparency and accountability will move Maryland towards more humane and restorative conditions without fear of retaliation.”

Along with MAJR, I am urging you to vote to pass SB0087 to make our prisons safer, more humane, and more responsive. It is for these reasons that I am encouraging you to vote in support of SB0087.

I appreciate your time, service, and consideration.

Sincerely,  
Rebecca Benzer  
305 Bonheur Ave.  
Gambrills, MD 21054

**S. Farrell - SB 0087 .pdf**

Uploaded by: Sarah Farrell

Position: FAV





February 8, 2023

**Testimony In SUPPORT of SB 0087 – Office of the Attorney General – Correctional Ombudsman**

**Submitted by: Sarah Farrell  
American University Washington College of Law  
Re-Entry Clinic**

My name is Sarah Farrell, and I am a student at the American University Washington College of Law, testifying as a student-attorney on behalf of the Re-Entry Clinic in support of Senate Bill 0087. Our clinic represents men and women who have served decades in Maryland’s prisons, and we advocate for their release in circuit courts and at parole hearings. I would like to emphasize that the most important testimonies that you will read and hear today are from the people who have been directly impacted by this system. It is these realities that can best emphasize the necessity of the appointment of a Correctional Ombudsman.

Accountability is defined by Merriam-Webster’s dictionary as “the quality or state of being accountable... especially: an obligation or willingness to accept responsibility or to account for one's actions,” and the example the online page provides is “public officials lacking accountability.”<sup>1</sup> As public officials, the employees of the Department of Public Safety and Correctional Services (“DPSCS”) have an obligation to the people of Maryland to act in their best interests every day. However, as we all know, when accountability is lacking or there is no way to independently verify that the highest standards of service and treatment are being enacted, it is easier for people to fail to act or act in a way that is not only detrimental to the citizens of Maryland who are behind the bars, but also to all Maryland residents whose tax dollars are funding these institutions and paying salaries.

To correct this problem, the Correctional Ombudsman bill proposes a completely independent accountability office to make sure that Maryland residents are being treated with the humanity and dignity they deserve, and that those who are mistreating incarcerated citizens are held accountable for their dereliction of duty. The Ombudsman bill grants incarcerated citizens an avenue wholly independent of the DPSCS to bring their complaints due to ill treatment or other problematic behaviors by staff of the DPSCS to an independent office.<sup>2</sup> It will grant them the peace of mind to know their complaints are not being tossed away by a friend of the person they are complaining about; that the managing official is not, consciously or unconsciously, acting with bias in their assessment of such complaint; and that an avenue of redress is available that would lead to a timely resolution.

The DPSCS indeed has a formal process for inmate complaints currently. The Code of Maryland Regulations (“COMAR”), Title 12.02.28.05, Inmate Complaint Resolution - Overview sets out the process.<sup>3</sup> There is an informal process that can be used if an inmate wishes to resolve the issue

<sup>1</sup> “accountability,” Merriam-Webster, <https://www.merriam-webster.com/dictionary/accountability> (last updated Feb. 3, 2023).

<sup>2</sup> Proposed Senate Bill 0087.

<sup>3</sup> MD. CODE REGS. 12.02.28.05 (2023).

informally.<sup>4</sup> The formal process can be used if the informal process fails or the informal complaint is not addressed.<sup>5</sup> Furthermore, an inmate can directly proceed to the formal process to file their complaint.<sup>6</sup> This formal process includes first bringing the complaint to the managing official, appealing to the Commissioner; and if that process is not resolute, filing a complaint with the Inmate Grievance Office under COMAR 12.07.01.<sup>7</sup> The regulations grant the Commissioner the power to “limit the number of inmate complaints for which an inmate may request formal resolution under the ARP.”<sup>8</sup>

According to COMAR, an inmate has 30 days from the incident to file a formal complaint.<sup>9</sup> A staff member is then in charge of forwarding the complaint to the managing official.<sup>10</sup> The regulations do note that the managing official or facility Administrative Remedy Coordinator (“ARC”) has five days from receipt of the complaint to address the request, whether by dismissing it for being frivolous, requesting more information, or proceeding with an investigation – under what is called “preliminary review.”<sup>11</sup> If the managing official decides to take action, a response is to be provided within 30 calendar days of the filed formal complaint, “unless an extension is authorized.”<sup>12</sup> The managing official is permitted “one extension of 15 days” if they deem conditions beyond their control do not allow them to complete the request in 30 days.<sup>13</sup> If a complaint is successful, staff has 30 days to comply with the remedy ordered.<sup>14</sup> The inmate then has 30 days to file an appeal with the Commissioner after receiving a decision (or not receiving a decision within the allotted time) from the managing official.<sup>15</sup> Within five days the appeal must be preliminarily reviewed to be accepted or dismissed.<sup>16</sup> Within 30 days of the filing of the appeal, the Commissioner must respond in writing to the inmate.<sup>17</sup>

If the inmate is not satisfied with the Commissioner’s response, or the Commissioner fails to file a response within 30 days, the inmate may request a review by the Inmate Grievance Office within 30 days.<sup>18</sup> The Executive Director of the Grievance Office must perform a preliminary review of the grievance.<sup>19</sup> There is no timeline provided in COMAR for how long this can take. If the Director determines a hearing is necessary, they must notify the necessary individuals of the details of the hearing.<sup>20</sup> COMAR again does not specify a timeline here. Once the merits are decided after a hearing, if found meritorious, the judge must forward the decision to the Secretary of Public Safety and Correctional Services, who has the ability to review the judge’s decision to determine if the factual and

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> MD. CODE REGS. 12.02.28.06 (2023).

<sup>9</sup> MD. CODE REGS. 12.02.28.09 (2023).

<sup>10</sup> *Id.*

<sup>11</sup> MD. CODE REGS. 12.02.28.10 (2023).

<sup>12</sup> MD. CODE REGS. 12.02.28.12 (2023).

<sup>13</sup> *Id.*

<sup>14</sup> MD. CODE REGS. 12.02.28.13 (2023).

<sup>15</sup> MD. CODE REGS. 12.02.28.14 (2023).

<sup>16</sup> *Id.*

<sup>17</sup> MD. CODE REGS. 12.02.28.17 (2023).

<sup>18</sup> MD. CODE REGS. 12.02.28.18 (2023); MD. CODE REGS. 12.07.01.05 (2023).

<sup>19</sup> MD. CODE REGS. 12.07.01.02 (2023).

<sup>20</sup> MD. CODE REGS. 12.07.01.07 (2023).

legal findings are supported and if “the proposed remedy is appropriate.”<sup>21</sup> The Secretary has 15 days to either affirm, reverse, modify, or remand the judge’s decision, and this is considered the final decision.<sup>22</sup> This step ensures that even after an administrative judge independently reviews the complaint after a hearing, DPSCS still has the final say about grievances filed about them through the Secretary’s review and determination. Thereafter, COMAR provides the grievant further entitlement to judicial review of the final decision.<sup>23</sup>

Even if a person decides to challenge a matter outside the confines of the DPSCS after exhausting their administrative remedies, the issue that lies with further judicial review is that “[u]nder the Eleventh Amendment to the United State Constitution, a state, its agencies and departments are immune from citizen suits in federal court absent state consent or Congressional action.”<sup>24</sup> Unless a state waives immunity, correctional officers “are immune from suit for actions taken in their official capacities.”<sup>25</sup> This often leaves individuals harmed by the system very little avenue for redress.

For these reasons the presence of an Ombudsman is so critical – accountability means nothing if it is not completely independent from the very institution and people it is holding accountable. The Correctional Ombudsman bill aims to upright the many problems arising from the current ineffective process. By being totally independent from the DPSCS, acting under the Attorney General (but also independently from that office), the Ombudsman allows for an avenue of redressability for inmates that is independent of the staff members about whom they are filing grievances.<sup>26</sup> Inmates with grievances will be able to directly file them with the Ombudsman’s office, and the Ombudsman will investigate and conduct independent reviews as a response to such complaints.<sup>27</sup> Furthermore, the Division of Corrections would be restricted from interfering in any way with a complaint and will be penalized if they attempt to do so.<sup>28</sup>

The state currently has an extremely exhaustive and time-consuming process in place, that lacks complete independence until it reaches the court system; and once it does, employees of the state are protected from liability if acting in their official capacity. Furthermore, even if a resolution is enacted, the process can be so time-consuming that by the time a resolution is met after the many rounds of appeals, a situation (especially if medical) can become more severe or dire. Many of our clinic clients have expressed such frustration. As long as the DPSCS is in direct control of the grievance process available to citizens behind bars and calls the last shot, “accountability” will not be as defined – or as deserved – by the citizens of Maryland on either side of the prison walls. The Re-Entry Clinic at American University Washington College of Law supports Senate Bill 0087 to provide much needed accountability.

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<sup>21</sup> MD. CODE REGS. 12.07.01.10 (2023).

<sup>22</sup> *Id.*

<sup>23</sup> MD. CODE REGS. 12.07.01.11 (2023).

<sup>24</sup> Memorandum Opinion, *Wise v. Friday*, No. JKB-21-473, 6 (D. Md. Dec. 23, 2021), citing *Pennhurst State Sch. and Hosp. v. Halderman*, 465 U.S. 89, 100 (1984).

<sup>25</sup> Memorandum Opinion, *Wise v. Friday*, No. JKB-21-473, 6 (D. Md. Dec. 23, 2021).

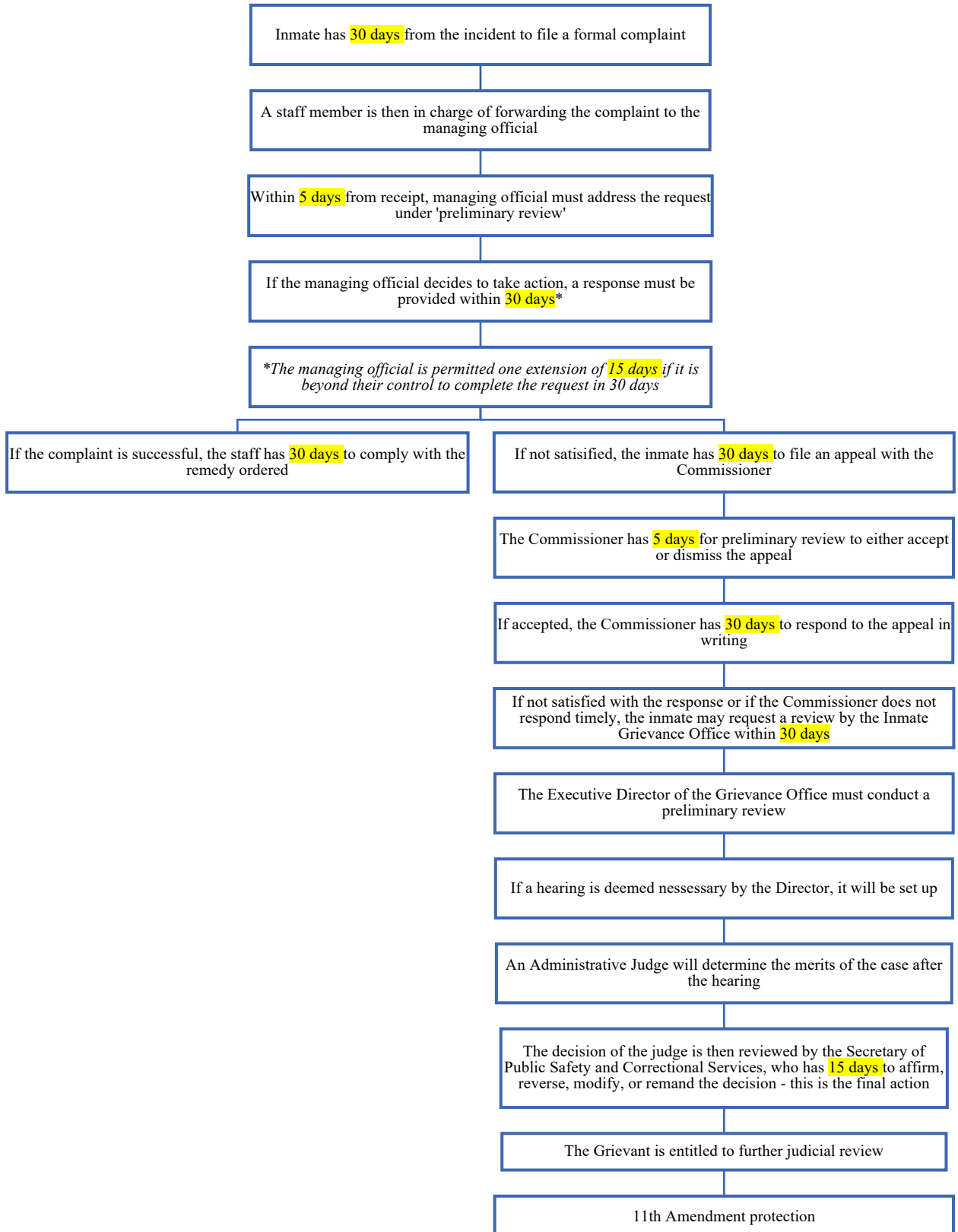
<sup>26</sup> Proposed Senate Bill 0087.

<sup>27</sup> Proposed Senate Bill 0087, 6-704(A)-(B).

<sup>28</sup> Proposed Senate Bill 0087, 6-704(D), 6-708.

# ATTACHMENT 1

## Timeline of Formal Process for Inmate Complaint Resolution - COMAR Sec. 12.02.28.05



# **Hettleman Amendment**

Uploaded by: Shelly Hettleman

Position: FAV



**SB0087/113025/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

07 FEB 23  
15:52:33

BY: Senator Hettleman  
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 87  
(First Reading File Bill)

On page 8, in line 18, after “SERVICES” insert “, INCLUDING TREATMENT FOR  
SUBSTANCE-RELATED DISORDERS,”.

**SB87\_FAV\_Hettleman.pdf**

Uploaded by: Shelly Hettleman

Position: FAV

**SHELLY HETTLEMAN**  
*Legislative District 11*  
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,  
and Families

Joint Committee on the Chesapeake  
and Atlantic Coastal Bays Critical Area



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## *The Senate of Maryland*

ANNAPOLIS, MARYLAND 21401

### TESTIMONY OF SENATOR SHELLY HETTLEMAN SB 87 OFFICE OF THE ATTORNEY GENERAL – CORRECTIONAL OMBUDSMAN

The need for **independent** oversight within Maryland's correctional facilities is long overdue. The current system of oversight and accountability within the Department of Public Safety and Correctional Services (DPSCS) is insufficient to address the myriad of issues arising behind bars.

Senate Bill 87 establishes the Office of the Ombudsman for correctional facilities in the Office of the Attorney General, to provide public reports and recommendations on the needs and rights of prisoners, their families, and prison volunteers. This position would provide needed independent oversight of the adult corrections system, while improving safety and other conditions inside Maryland's prisons.

The bill establishes procedures and reporting mechanisms for addressing concerns and promoting transparency within Maryland's prisons. The Office of the Ombudsman would be responsible for:

1. Investigating complaints concerning incarcerated persons' health, safety, welfare, and rights
2. Providing pertinent information to prisoners and their families
3. Identifying and publicizing pervasive systemic issues
4. Monitoring DPSCS compliance with relevant statutes and policies

Currently, only written or typed grievance letters are accepted from incarcerated people, who may be delivering complaints to the very officials about whom they're lodging a complaint. Each appeal of the grievance letter must go through multiple levels of review that are costly, cumbersome, and can take years to be addressed. The Maryland Correctional Ombudsman will have the power and authority to go straight to the problem, cut through the bureaucracy and address it immediately. This will save the State and taxpayers thousands of dollars by reducing jail condition-related litigation costs.

By establishing the Office of the Ombudsman in the Attorney General's office, Maryland would join at least 12 other states in practicing good-government, providing an independent Ombudsman to publicly report on and make recommendations to improve our correctional Facilities.

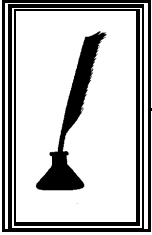
I urge a favorable report on SB 87. Thank you.



**ombudsman bill.pdf**

Uploaded by: Susan Rose

Position: FAV



*Susannah Rose*

*5455 Wingborne Court Columbia, MD 21045*

*(240) 512-0119 (land line) (443) 538-0136 (cell) [susanhillrose@gmail.com](mailto:susanhillrose@gmail.com)*

February 7, 2023

Re: SB 87

Dear Senators,

For about fifteen years, my Quaker meeting, Patapsco Friends Meeting, has had a prison ministry that reached about 25 Maryland state prisoners so far. About 15 of those are prisoners with whom we maintained contact when Hagerstown MCI downsized and most of them were transferred, leaving us without enough people to hold a regular Quaker meeting. The up side was that we were then no longer volunteers working in prison and could maintain contact with these individuals over time, including writing them and helping them transfer back to their communities. This experience has convinced all of us involved in the ministry that a Maryland ombudsman is desperately needed.

At this moment, one of the prisoners is in a Maryland prison at which, for many months, raw sewage has been seeping into first-floor cells. The solution has been to provide the affected prisoners with plastic sheets to protect themselves and their belongings. Neither the prisoner we know nor his family is willing to escalate the issue outside the prison because of fear of retaliation. Imagine, if you will, raw sewage seeping into your living room/bedroom/dining room and being unable to do anything about it. If we had an independent ombudsman, that person could receive such a report and act on it.

Another prisoner had all his lower teeth removed in such a way that ordinary dentures would not fit. For ten years, he did everything he could within the system to get his teeth. Then I got involved and did everything I could within the system. Finally, in desperation, I wrote the Chair and Vice-Chair of the Judiciary Committee and my own state representatives, and at last the situation was addressed. Within a year he was able to eat solid food again. Is this the only recourse the system is able to provide when internal mechanisms fail? Are our representatives to take on the role of ombudsman (in their nonexistent spare time)?

One of our prisoners has severe mental illness (schizophrenia) and was placed in solitary confinement for nearly two years. I don't think it's possible for any of us who do not have such an illness to understand what it must be like to be confined 23 hours a day with schizophrenia. When he came up for parole, it was denied in part because he had several violations while in solitary confinement. I wonder how many violations I would have.

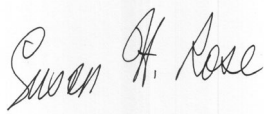
Another of the prisoners wrote us that he was considering ending his life, and I had a good deal of difficulty getting anyone to pay attention. Now he gets to see a psychiatrist every 3 months.

*Every 3 months* to help someone dealing with severe trauma who has been suicidal. I hope the ombudsman could shed light on how we treat people with mental illness who are incarcerated.

Lastly, a prisoner who is now doing well in society described his experience being placed briefly on a hall in the prison he said was completely controlled by gang members. If you wanted to use the shower, you had to negotiate with the gang. Here is yet another situation I hope an ombudsman could address. The answer may have to do with prison staffing, and the correctional system as a whole, staff as well as the prisoners, may benefit from the ombudsman's work.

I could offer several more examples, but these are perhaps the most egregious. I am deeply embarrassed and ashamed of Maryland's prison system. An effective ombudsman's office may be able, over time, not only to help individual prisoners but also to help the department implement evidence-based practices and reforms that will benefit prisoners, their families, prison staff, and our communities – to which most prisoners will one day return.

Respectfully,

A handwritten signature in cursive script that reads "Susannah Rose". The signature is written in black ink on a light-colored background.

Susannah Rose

# **Testimony.OmbudsmanSB087.pdf**

Uploaded by: T. Shekhinah Braveheart

Position: FAV



**Testimony to the Senate Judicial Proceedings Committee  
SB087 Correctional Ombudsman-Prison Oversight**

**T. Shekhiñah Braveheart**

**Justice Policy Institute**

[tbraveheart@justicepolicy.org](mailto:tbraveheart@justicepolicy.org)

**February 7, 2023**

My name Shekhiñah Braveheart. I am with the Justice Policy Institute (JPI), a national research and policy organization with expertise on criminal and juvenile justice issues. By way of my background, I have had the opportunity to view the justice system from several different angles. First, as a former juvenile life skills and fitness facilitator at Baltimore City Detention Center, secondly, as an individual directly impacted by the criminal legal system, and lastly as an advocate for persons currently incarcerated. These experiences inform my support for SB087.

As many of the worst instances of misconduct and neglect occur at women's prisons, I submit this testimony in support of SB087 in solidarity with the detainees of the Maryland Correctional Institution for Women.

Crime scandals within Maryland's correctional institutions are symptomatic of decades of administrative complacency, complicity, and overload. Unfortunately, highly publicized news stories distract from the more normalized violations; those that are equally outrageous in their disregard for the law, regulations, and human dignity, but have somehow become accepted as endemic to prison life. Some include:

- Assaults and camera coverage.
- Deaths (esp. on segregation units)
- Discontinuation of *all* institutional programming, which creates a void that is typically filled with drugs
- Correctional officers supplying drugs to the rehabilitation-deprived inmate population
- Inmate mail "disappearance", and unsatisfactory outcomes when investigated through institutional channels.
- Challenges in accessing adequate medical care, education, access to the courts (through mail and prison libraries), legal research, and the ability to practice religious faith.
- Non-existent rehabilitative and cognitive programs appearing on correctional websites/handbooks as if currently provided.
- Obstacles to family members visiting their loved ones.
- Institution's refusal to post DPSCS directives/memos pertaining to inmate health, safety, and/or protocols.
- Prisons "locking down" the majority of the inmate population during inspections and audits to guard against inmates alerting authorities/inspectors to various violations and/or cover-ups.

Without independent oversight, Maryland will continue to face chronic problems involving crime, resident and staff safety, resident mental health, and more –as the COVID crisis unmistakably demonstrated over the past two years. There is no denying the need for greater transparency.

Inured to systemic dysfunction, correctional staff commonly state, “This is *prison*, what do these criminals expect?”. Inadequacies have become normalized—even perceived as justified. Operating facilities in a culture of willful disregard robs incarcerated individuals of their right to rehabilitation, endangers staff, and propagates cycles of recidivism.

The Ombudsman concept will cut through the layers of bureaucratic review now required, and Maryland could join several other states with an independent Ombudsman to publicly report and recommend improvements to incarcerated resident’s needs, as well as those of staff, volunteers, and families.

Incarcerated individuals and staff agree; both groups want safe, well-run institutions. Correctional management is interested in improving the quality of its institutions to reduce deaths, injuries, illness, workplace grievances, and lawsuits. Administrators will also benefit from external oversight and review by gaining the objective feedback they need.

Under existing Code of Maryland Regulations (COMAR) and Operational Procedure Documents (OPS), every incarcerated person should have their basic needs met while in the (safe) custody of the Maryland Department of Public Safety and Correctional Services (DPSCS). Yet disturbingly laws are routinely ignored, and both incarcerated individuals and staff face retaliation for reporting misconduct, thus misconduct becomes entrenched.

DPSCS’s Administrative Remedy Procedure (ARP) is riddled with loopholes that make it nearly impossible to file a complaint, let alone gain meaningful recourse. ARP forms are rarely accessible, and inmates are prohibited from filing ARPs without the “signature of a lieutenant.” Stationed as supervisors within shift command offices, lieutenants remain inaccessible to inmates throughout their workday, making it virtually impossible to sign and process complaints. In rare instances when lieutenants are located, they defensively state they are *not obligated to sign forms*.

Despite COMAR and implementation of monitoring visits, DPSCS continues to receive calls from family members, and letters from incarcerated residents reporting serious incidents regarding treatment of inmates, refusal to abide by/adhere to regulations, and willful negligence. Most investigations lead to individual change but rarely address systemic issues. An independent Ombudsman could report directly to the legislators and have the authority to investigate and report thus influencing change.

The evidence is overwhelming, Maryland needs a completely independent mechanism for oversight of the correctional system. *An autonomous, impartial public office – not part of the DPSCS– that serves the State of Maryland by promoting positive change in corrections.*

SB087 is a proposition to honorably uphold COMAR and OPS regulations as a means of protecting against neglect, crime and other improper treatment. Such transparency provides insight into the true needs of incarcerated people, and facilitates protection from harm and fear of retaliation. For this, JPI asks for favorable consideration of SB087.

**Testimony\_Maryland SB87\_Terry Schuster\_Feb. 2023.p**

Uploaded by: Terry Schuster

Position: FAV



State of New Jersey  
OFFICE OF THE CORRECTIONS OMBUDSPERSON  
WHITTLESEY ROAD  
P.O. BOX 855  
TRENTON, NEW JERSEY 08625

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

Terry Schuster  
*Corrections Ombudsperson*

February 7, 2023

Dear Chair Smith, Vice-Chair Waldstreicher, and members of the Sen. Judicial Proceedings Committee,

My name is Terry Schuster. I'm the Ombudsman for New Jersey's prison system. I'm writing to support the legislation creating a similar office in Maryland (**SB 87**), and to share my thoughts on the value of such an office for the public, lawmakers, and the Department of Corrections.

My office's annual budget is \$2.1 million, which is about 0.2% of the Department of Corrections budget in my state. What that investment buys is sufficient staffing (21 FTE) to have people on-site in nine prisons, inspecting facilities, surveying incarcerated people, answering hotline calls, gathering data, and holding community meetings.

An Ombudsman is not a prosecutor looking to hold individuals accountable for wrongdoing. The office is not gathering evidence for lawsuits against the Department of Corrections. There's no axe to grind. The goal is to spot problems and trends before they metastasize—to help the Department assess whether its policies are being followed and whether its policies might need to change in order to better carry out its mission. Success for an Ombudsman office doesn't look like corrections staff being fired or headlines slamming the Department of Corrections for abuse and neglect. Success looks like incarcerated people in the state feeling hopeful about their futures, staff feeling proud of the impact they had on the lives of those in their custody, and the public feeling confident that people coming back home from prison are better prepared to be good neighbors.

My Ombudsman office includes several staff members who come from the Department of Corrections. They believe in the value of Corrections to turn people's lives around. They've seen the system's shortcomings from the inside and came to the Ombudsman office hoping to make the Department of Corrections better. The Ombudsman office is a thought-partner for solving difficult system-wide problems. Incarcerated people are much more forthcoming with the Ombudsman office than they are with correctional officers and administration. Our access to the people held in custody allows us to give quick and thorough feedback to facility and agency leaders. We are a key player helping the DOC enforce its own policies with staff, because we have eyes and ears on the prisons, and prison staff act differently when they're being monitored. Because we are an independent office, we can also authoritatively give credit to the Department for things they are doing right, correct the record when misinformation is spread



about prison conditions, and defend decisions of the Department that may be unpopular or misunderstood by skeptical members of the public.

Lawmakers expanded the reach and mandate of my office in New Jersey in response to physical and sexual assaults at the state's only women's prison. The message to the public was: This won't happen again, not on our watch. Even absent a scandal, though, lawmakers benefit from oversight in a variety of ways. When they pass laws impacting prison services or programming, they have a set of independent eyes in the Ombudsman to determine whether those laws have been implemented. When constituents call with concerns about conditions in a prison facility, lawmakers can dispatch the Ombudsman to look into the issue and follow up. The creation of an Ombudsman office helps ensure that the performance metrics for a Department of Corrections are not limited to the number of people confined, released, and returned for new crimes, but include big questions of public interest: Are people in our state prisons safe? Are their health needs being addressed? Do they have meaningful access to their loved ones? And are they engaged in purposeful activity to ensure they come out better than they went in?

My office regularly meets with the correctional officer and civilian staff unions to hear their priorities, to share trends that we're seeing, and to get input on policy recommendations. Our on-site Assistant Ombudsmen also routinely hear from staff in the prisons about institutional concerns that we may be able to help with like barriers to implementing certain policies and miscommunications between custody staff and nursing staff.

Members of the public most often contact my office when they're not getting a response from the Department of Corrections and they feel concerned, helpless, and upset. This past month, we've gotten calls and emails saying: My son arrived at this prison two weeks ago and hasn't gotten toilet paper or a change of underwear. My brother keeps asking to be seen by a doctor and getting denied. I traveled a long way to visit my husband in prison and they wouldn't let me in. It's January, the heat isn't working, and my loved one still hasn't gotten a coat. These are mundane everyday needs that in the free world people can handle on their own, but that can become pain points in a setting where some people exercise control over others.

Sometimes when something is going wrong in prison, it was merely overlooked in the hustle and bustle of running a secure facility. Sometimes it comes about because of systemic problems like under-staffing or lack of communication between siloed offices. Importantly, there are also times when the issue reflects an abuse of power. An independent Ombudsman office can help the Department catch small things that fall through the cracks, draw attention to systemic issues that impact everyone behind bars, and also access people held in even the most isolated parts of state prisons to ensure they are not being harmed or treated unfairly.

Oversight allows for access and understanding among people who might otherwise feel suspicious, angry, and in the dark about what's happening in our state prisons. By creating transparency, it builds credibility and public trust for this large and powerful arena of state government. I encourage you to support **SB 87** to establish a similar office in Virginia. Please feel free to contact me if I can help in any way.

Best,

Terry Schuster  
New Jersey Corrections Ombudsperson

**LMints\_SB0512Ombuds.pdf**

Uploaded by: Veronica DeRamous

Position: FAV

## **Senate Bill 512: Correctional Oversight Ombudsman**

February 6, 2023

My name is Lucresha Mints, an inmate at the Maryland Correctional Institution for Women (MCI-W), and I am writing to you in support of SB512 given the misconduct, neglect, and inadequate care I have experienced at MCI-W. Due to the lack of outside oversight and widespread misconduct, incarcerated people often experience acts of violence, verbal abuse, and inadequate medical care, with little to no ability to successfully file a complaint or seek meaningful recourse. I am one of those people.

**I was sexually assaulted on June 15, 2019, at MCI-W.** I am diagnosed with two medical conditions, Multiple Sclerosis and Lupus, which cause me to suffer occasional health crisis. On June 15, 2019 I suffered a crisis and I was found unconscious in my cell at 11:42 pm by an officer who immediately had me transported to the prison medical department. As I began to awaken within a holding room, I felt a knee in my back, an arm around my neck, and severe vaginal pain. I urinated on myself. The pressure from the arm on my neck made me go unconscious again. I woke up in the Howard County General Hospital ICU with a tube down my throat, vaginal pain, bruises on my right inner thigh, a burnt nose, and a busted lip. I reported my assault to a nurse at the hospital, who called MCI-W to inform them that I was asking for a rape kit. A prison lieutenant came to the hospital and whispered to another officer in the room. The officer then told the ICU nurse I was suicidal, which is false. The prison protocol is to isolate “suicidal inmates”, thus making it hard to access support or report assaults.

Once returned to prison, I sought medical attention and was told to wait for observation by the medical staff. Two officers overstepped their custody roles and denied me further medical attention and harassed and threatened me. A different officer refused my right to contact someone within the PREA (Prison Rape Elimination Act) office. I was then put on lock in my cell by the shift commander at the time.

I filed a complaint through the Maryland Department of Public Service and Correctional Services' (DPSCS) Administrative Remedy Process (ARP) and did not receive a response until September 15, 2022. This process does not work. It can be extremely difficult to file a complaint and rarely is there meaningful recourse. The investigation department did not contact me about my investigation after speaking with a detective. PREA was then called, and the assistant warden was told to speak to me once a month, but rather than helping me with my situation, she was more concerned with the way I choose to wear my headscarf. PREA establishes standards for investigating sexual assault incidents and providing support for victims, but in reality, women like me face difficulty, possible retaliation, and staff members protecting their own interests during this process.

The institution covered up my rape by getting rid of my clothing and blanket, and they did not view the surveillance footage. I have documents that prove the institution tried to cover this rape up by saying, "I tried to kill myself" when I only asked for a rape kit. I have informed the investigative department of all the events leading up to my sexual assault and what happened when I woke up in my cell.

**Having an independent oversight system, like the Office of Corrections Ombudsman, would protect women like me from abuse and neglect and ensure that DPSCS' own protocols are being followed. Within MCI-W, laws are being ignored and there is widespread misconduct. There should be a more transparent system in place, to protect inmates and staff from retaliation and create safer institutions. For these reasons I ask the committee to issue a favorable report on SB 512. Thank you.**

**V.DeRamous SB0512Ombuds.pdf**

Uploaded by: Veronica DeRamous

Position: FAV

Senate Bill 0512  
Correctional Ombudsman Oversight  
Favorable  
February 7, 2023

My name is Veronica DeRamous and **I am writing to you in support of SB0512**. I am currently a resident at the Maryland Correctional Institution for Women (MCI-W). I have been incarcerated here since 2011. During this time, I have required health care services, both medical and mental; I also need dental services, but I am too afraid to go. I am writing on behalf of all the residents at MCI-W to bring awareness to the issues we face on a consistent basis in regard to unsafe conditions, inadequate medical and mental health care, and the prison's inability to resolve problems through the Administrative Remedy Process (ARP)

A lot of female residents here are on the mental health caseload, which means they require ongoing treatment for an active diagnosis. Mentally ill residents are attacking staff and residents without being provoked. As with medical care, many of the problems with mental health care provisions in DOC stem from chronic understaffing. The consequences of failing to provide adequate mental health care can be just as severe as those resulting from inadequate medical care. *Both can be fatal.*

Provisions of medical, dental, and mental health services to women at MCI-W are unconstitutional and inadequate. The 8th Amendment does not entitle prisoners to high-quality care, but accommodations must be adequate, meaning they must reflect basic common decency. Health care must demonstrate recognition of the dignity of all human beings. No matter who provides healthcare here, they all fail to provide constitutionally adequate healthcare to prisoners. Nurses often send patients back to their housing units and tell them to submit another written sick call request (two-week process) if symptoms worsen. The prison system has provided dangerously substandard care for years. Without *outside oversight*, we remain at substantial risk of harm.

Several years ago, I slipped and fell on a wet floor injuring my shoulder and hitting my head hit the concrete floor. Alarmed, an on-duty officer ran towards me. She escorted me to medical herself because the emergency response medical team had not arrived after 10 minutes elapsed. When I got to the infirmary, the nurse was sleeping. She was angry and asked the officer if I had actually fallen because the nurse did not believe me. The nurse took my vitals, said they were normal and sent me back to my housing unit. The officer took pictures of my elbows which had scratches, my shoulder which was swollen, and the back of my head which had a knot on it. She even went back to the housing unit and took pictures of the floor, which was still wet. If the officer had not seen me fall herself and escorted me to medical, I would not have had any real proof of the fact that I fell. *My treatment illustrates how the health care system relies on nurses to assess patients, even when the patient makes complaints for serious issues.*

Senate Bill 0512  
Correctional Ombudsman Oversight  
Favorable  
February 7, 2023

I have been a student with Goucher College since 2012. Due to my head injury, I have suffered a loss of mental focus, as well as hearing and comprehension ability. In one class, I could not understand what my teacher was saying for two weeks. To date, there has been no health care provided for my head injury or complaints of difficulty understanding others.

I was also raped at MCI-W. The incident occurred when we had a male warden, and I could not bring myself to talk to him about it. I was afraid of losing my job and housing, and most of all, I was afraid of being placed on segregation and everyone knowing what happened to me. At the time, PREA (Prison Rape Elimination Act) was not like it is today. A couple of years later, when MCIW got a female warden, I wrote her a note telling her about my situation (after thinking it over and talking with my family). I did not call PREA because of the backlash associated with it (like residents being placed on lock for PREA claims). After three weeks, I had not gotten a response from the warden, so I wrote again. This time, I was even more specific and stated that I had evidence of what happened to me (gray and white clothes with semen on them) and included more specific details. Three days later, my room was searched, and my art supplies were taken. Two days later, I was fired from my job and my supervisor said the decision was made by “higher-up staff”. When I was cleaning my room a few days later, I realized that the evidence of my rape was missing. Within sixty days, I was given a letter allowing me to “return to my job”, but I had to wait for over a year to get my job back.

Upon getting *yet another* new warden, I told her about my rape. She had me talk to an officer and another woman. In our last conversation, she said there were no traces of evidence on the carpet where my incident took place and spoke about how many years ago my assault took place. I am not the only woman here who has been sexually assaulted and the incident was covered up.

Establishing an Office of Correctional Ombudsman is the solution to the many issues we face here. An investigation of Administrative Remedy Program (ARP) will show that DOC and directors are aware of inadequate mental and medical services as well as staff misconduct. **Our issues should not only be heard, but investigated and taken seriously.** An Office of Corrections Ombudsman will operate ethically, competently, and thoroughly; making it safer for those who live and work in this facility.

Please take our claims seriously, as no one here does. We are in need of assistance and feel strongly that an Office of Correctional Oversight Ombudsman will help. Please issue a favorable report on SB 0512. Thank you.

# **NCADD-MD - 2023 SB 87 FWA - Corrections Ombudspers**

Uploaded by: Ann Ciekot

Position: FWA





Senate Judicial Proceedings Committee  
February 8, 2023

**Senate Bill 87 – Office of the Attorney General – Correctional Ombudsman  
Support with Amendment**

NCADD-Maryland supports Senate Bill 87 with one amendment. The bill will allow an ombudsperson to receive and investigate complaints related to health care and other services that are provided to people who are incarcerated in state facilities. We ask to ensure that services related to substance use disorders are explicitly included in those that can be evaluated and investigated.

People in prisons and jails are disproportionately likely to have a range of chronic health problems, from diabetes, high blood pressure, HIV, and Hepatitis C, to substance use and mental health disorders. At the same time, correctional health care is inconsistent, difficult to access, and of low quality. The publication *Governing* stated this in 2019 (pre-COVID):

*The nation's incarcerated population is aging rapidly, with nearly four times as many inmates 55 or over as there were at the start of this century. That's led to increased rates of diabetes and heart disease, among many other problems. Younger offenders are hardly the picture of health, given their high rates of addiction. Altogether, prisoners make up 1 percent of the population, yet they account for 35 percent of the nation's total cases of hepatitis C.<sup>1</sup>*

Experts acknowledge that conditions for people who are incarcerated improve when systems are in place to monitor quality.<sup>2</sup> While this bill does not limit an ombudsperson's purview to health care, NCADD-Maryland believes this is a crucial component. As such, we ask for one amendment to the bill, on page 8 in line 18:

(2) CONDUCT INDEPENDENT REVIEWS AND ASSESSMENTS OF:

- (I) HEALTH SERVICES PROVIDED TO INDIVIDUALS CONFINED BY ANY AGENCY;
- (II) MENTAL HEALTH **AND SUBSTANCE USE DISORDER** SERVICES PROVIDED TO INDIVIDUALS CONFINED BY ANY AGENCY;

With this amendment, we urge a favorable report on SB 87.

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*

<sup>1</sup> <https://www.governing.com/archive/gov-prison-health-care.html>

<sup>2</sup> <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/05/18/prison-health-care-quality-monitoring-systems-vary-by-state>

**SB 87\_AFSCME3\_FWA.pdf**

Uploaded by: Denise Gilmore

Position: FWA



190 West Ostend St., #201  
Baltimore, MD 21230  
Phone: 410.547.1515  
Fax: 410.837.5436

Patrick Moran - President

## SB 87 - Office of the Attorney General - Correctional Ombudsman

### POSITION: FAVORABLE WITH AMENDMENT

AFSCME Council 3 represents 30,000 state and higher education employees, including the hard-working women and men who work in the Department of Public Safety and Correctional Services (DPSCS). We support SB 87. This legislation establishes a Correctional Ombudsman in the Office of the Attorney General. SB 87 also establishes a Correctional Ombudsman Advisory Board consisting of 10 members appointed by the Attorney General, including representation from nonsupervisory correctional officers. We believe the below amendment is necessary in this appointment process:

#### AFSCME Proposed Amendment to SB 87

*Pg. 12, line 14; 6-706(E)(3)*

(3) Nonsupervisory Correctional Officers **recommended by the President of the American, Federation, of State, County, and Municipal Employees, Council 3;**

#### Reason for Amendment

We believe the intent of this section is to ensure that the nonsupervisory correctional officers who are appointed will be free to voice their concerns without being subject potentially to departmental policies that may seek to gag them or the fear of any retaliation by the administration. We believe the best way to guarantee this is to have the nonsupervisory correctional officers participate on the advisory board in their role with the union, and not solely as DPSCS employees. There is already precedent for such a selection process in the State Advisory Board for Juvenile Services where this has worked well - see SB467/CH354 (2020). We believe this will also work well with the Correctional Ombudsman Advisory Board.

For these reasons, we urge the committee to provide a favorable with amendment report on SB 87.

Every AFSCME Maryland State and University contract guarantees a right to union representation.  
An employee has the right to a union representative if requested by the employee.  
800.492.1996

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# **MCAA SB 87 Office of the Attorney General- Correct**

Uploaded by: Mary Ann Thompson

Position: UNF



**SB 87**

**Office of the Attorney General- Correctional Ombudsman**

MCAA Position: **OPPOSE**

TO: Judiciary Committee

DATE: January 31, 2023

FROM: MaryAnn Thompson, President  
Brandon Foster, Legislative Committee  
Lamonte Cooke, Legislative Committee

The MCAA opposes this proposed legislation. We believe the establishment of a Correctional Ombudsman is unnecessary. Oversight authority of correctional facilities in Maryland has long been established under the Maryland Commission on Correctional Standards.

The Maryland Commission on Correctional Standards is an existing entity within the Department of Public Safety and Correctional Services (DPSCS). With the advice of the Commission on Correctional Standards, the Secretary of Public Safety and Correctional Services has set, by regulation, minimum mandatory standards applicable to security and inmate control, inmate safety, inmate food services, inmate housing and sanitation, inmate rights, classification, hearings, and administrative recordkeeping. Such standards apply to all State and local correctional facilities. In addition, the Secretary of Public Safety and Correctional Services, with the advice of the commission, has adopted regulations that establish approved standards applicable to personnel, training, administration, management, planning and coordination, research and evaluation, physical plant, special management inmates, rules and discipline, mail and visiting, reception and orientation, property control, work programs, educational and vocational training, library services, religious services, recreational activities, counseling, release preparation, and volunteers. These standards apply to all State facilities and may be adopted, in whole or in part, by a local correctional facility. All mandatory minimum standards and approved standards adopted must be consistent with State and federal law. If the commission determines that a correctional facility is in violation of the minimum mandatory standards, the commission must send a compliance plan, with specified information, to the correctional facility. If, after sending a compliance plan and reinspection of a correctional facility, the commission determines that the correctional facility is in violation of the minimum standards, the commission must send a letter of reprimand, with specified information, to the correctional facility. If, after sending a letter of reprimand and reinspection of a correctional facility, the commission determines that the correctional facility is in violation of the minimum mandatory standards, the commission must (1) conduct a full standards and performance audit of the correctional facility or (2) periodically

inspect the correctional facility until compliance is attained and send a report of each inspection to the executive and legislative bodies responsible for the correctional facility. As part of a full standards and performance audit, the commission must examine (1) the physical condition of the correctional facility; (2) the safety and treatment of inmates at the correctional facility; (3) whether the correctional facility has policies and procedures in place as required; and (4) whether the correctional facility is following the required policies and procedures. When conducting the full standards and performance audit, the commission must have unrestricted access to the personnel and records of the correctional facility. After completion of a full standards and performance audit, the commission must send a letter with specified information to the correctional facility. The commission may petition the court seeking an order to comply with audit findings and may also order the cessation of operations for any life-threatening or health-endangering conditions.

The establishment of a Correctional Ombudsman would bring an unnecessary fiscal impact to the State of Maryland. During the 2022 Legislative Session, the fiscal summary for HB 604- Office of the Attorney General- Correctional Ombudsman was as follows:

(In dollars)	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	521,400	635,900	823,600	824,200	838,500
Net Effect	(\$521,400)	(\$635,900)	(\$823,600)	(\$824,200)	(\$838,500)

Note:0 = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

**sb87.pdf**

Uploaded by: Matthew Pipkin

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 87  
Office of the Attorney General – Correctional Ombudsman  
**DATE:** January 18, 2023  
(2/8)  
**POSITION:** Oppose, as drafted

---

The Maryland Judiciary opposes Senate Bill 87, as drafted. This bill establishes the Correctional Ombudsman in the Office of the Attorney General.

It is unclear whether this bill is intended to cover Judiciary employees, as outlined below, but raises separation of power concerns if so. The first area that causes concern in this bill comes at page 5 under the definition of agency in Proposed State Government Article 6-701(c)(iii) and (iv):

iii: Any person providing services under a contract with the Department of Public Safety and Correctional Services to Individuals who are confined by or under the supervision of the department or

iv: 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 the Department of Public Safety and Correctional services.

Judges are expressly excluded from the definition of “agency,” so the issue is whether a Judiciary employee would fall under c(iii) or (iv) above.

“Unit” is only used for local government entities, so the determination here is whether or not a Judiciary employee acting in the capacity above is “of the state.” Absent any other language, given that the Judiciary has state-compensated employees, this would likely apply to Judiciary employees engaged in referenced acts (likely programs and problem solving courts staff). Subsection (iii) is more problematic if the Judiciary has employees who perform services under Memorandum of Understandings (MOUs) with the Department as there is no specific state employee requirement.



Further, and also troublesome for statutory interpretation, is subsection (2) which states that “agency” does not include:

- (i) A Judge as defined by 1-101 of the Courts Article;
- (ii) The General Assembly or any member, employee, or committee of the General Assembly;
- (iii) The Governor or the Governor’s personal staff.

Here, the executive and legislative branch personnel have specific carve outs for staff and employees, so the absence of the same for Judiciary employees suggests that they are intended to be included.

Further, section 6-704 may limit investigations generally to “administrative acts” of agencies but the definition of “administrative act” is extremely broad, especially given the vague definition of “agency.” The bill defines administrative act as any action decision, adjudication, failure to act, omission, rule or regulation, interpretation, recommendation, policy, practice or procedure of an agency. For example, if it applies to Judiciary employees and a defendant complains about conditions in a courthouse lockup, the bill appears to allow the ombudsman to “access any records maintained by the” Judiciary. It could even be as broad to include responses to letters from inmates making random requests. Given the vague definition of agency, plus broad investigative authority of the ombudsman, this bill is highly problematic.

cc. Hon. Shelly Hettleman  
Judicial Council  
Legislative Committee  
Kelley O’Connor

**SB 87\_DPSCS\_Letter of Information.pdf**

Uploaded by: Catherine Kahl

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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(443) 240-8696 • [www.dpsscs.maryland.gov](http://www.dpsscs.maryland.gov)

STATE OF MARYLAND

WES MOORE  
GOVERNOR

ARUNA MILLER  
LT. GOVERNOR

CAROLYN J. SCRUGGS  
SECRETARY

CHRISTINA LENTZ  
ACTING  
DEPUTY SECRETARY  
ADMINISTRATION

ANNIE D. HARVEY  
ACTING  
DEPUTY SECRETARY  
OPERATIONS

VACANT  
ASSISTANT SECRETARY

JENNIFER BESKID  
DIRECTOR

**BILL: SENATE BILL 87**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill establishes a Correctional Ombudsman in the Office of the Attorney General and describes the qualifications and responsibilities of the ombudsman to include investigating any administrative act of the Department, conduct reviews and assessments; receive specific reports and audits; seek criminal charges of an employee or agent of the Department, as well as the ability to conduct unannounced inspections of the Department's facilities. **The Department has measures in place to conduct audits, review audit results, and respond to the duties that would be assigned to the Correctional Ombudsman. Establishing a Correctional Ombudsman in the Office of the Attorney General would result in a duplication and conflict of efforts.**

**COMMENTS:**

- The Department of Public Safety and Correctional Services' (Department) primary mission is to oversee the Division of Correction (DOC), which houses inmates sentenced to terms of incarceration exceeding 18 months, the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).
- The safety, security, and well-being of the incarcerated population is a priority for the Department. Meeting this priority involves a multi-layered approach involving various internal and external processes as well as oversight entities.
- Mechanisms to ensure accountability in the treatment of the incarcerated population **are already established in statute, regulation, and policy, as well as being stipulated in contracts.**
- The Department is subject to thorough and routine internal and external audits conducted by the following State and national entities:
  - Maryland Commission on Correctional Standards
  - Office of Legislative Audits;
  - Office of Performance Evaluation and Government Accountability; and the
  - American Correctional Association;

- The Department has offices dedicated to investigating and responding to inmate grievances as well as mechanisms for correcting areas of noncompliance or concerns including:
  - Inmate grievances (see “Inmate Grievance Office” on page 3);
  - Criminal and administrative allegations of serious misconduct (see “Intelligence and Investigative Division” on page 3);
  - Management and accountability (see “Office of the Inspector General” on page 3); and
  - Adherence to medical treatment contracts (see “Office of Health Contracts Administration and Audits” on page 3)
  
- **The incarcerated population is able to avail themselves of claims or concerns surrounding conditions of confinement** via the “Administrative Remedy Process” (page 4). The process includes an investigatory process, timeframes for responses, and a right of appeal to the Office of the Inspector General as well as the Circuit Court.
  
- **The incarcerated population has access to legal representation - at no cost to them - on matters concerning conditions of confinement**, sentence calculation, constitutional rights, and claims that affect an incarcerated individual’s serious health, life, or safety concern (see “PRISM” on page 4)
  
- Maryland Commission on Correctional Standards (MCCS) - MCCS was established by the General Assembly to establish auditable standards and conduct routine audits for State and local correctional facilities. These audits, which are based on best practices in corrections, determine levels of compliance with the established standards. Audit reports conclude compliance and provide technical assistance to correct areas of noncompliance. The Department has complied with MCCS since it was established.
  
- American Correctional Administration (ACA) - In January 2020, DPSCS signed a Memorandum of Understanding with the ACA to accredit all of the Department’s correctional facilities. Accreditation requires adherence to the recently released performance based standards manual, *Performance-Based Standards and Expected Practices for Adult Correctional Institutions* (5<sup>th</sup> ed.).
  
- Office of Legislative Audits - The Office of Legislative Audits conducts fiscal and compliance audits of each unit of State government. This includes certain aspects of contract management.
  
- Office of Performance Evaluation and Government Accountability - The Office conducts performance evaluations of State government agencies and units. Further, the Office may investigate acts or allegations of fraud, waste, or abuse of State resources.

- As previously stated, the Department has additional units/divisions to investigate and respond to area of noncompliance including:
  - Inmate Grievance Office (IGO) - The IGO has jurisdiction over all inmate grievance complaints against Departmental officials and employees.
  - Intelligence and Investigative Division (IID) - IID conducts criminal and administrative investigations into allegations of serious misconduct within the Department.
  - Office of the Inspector General (OIG) - The OIG is responsible for conducting a full range of independent and objective audits; inspections; management analyses; and investigations. The OIG also coordinates the Department's legislative audit response process, and provides technical assistance and advisory services to its audit customers. The office's efforts support the Departments' goal of achieving the highest standards of good management, accountability, and professional integrity.
  - Office of Health Contracts Administration and Audits - This office is responsible for monitoring the Department's contracts with its medical and mental health treatment providers.
  
- As stated previously, State Regulation already provides an ARP for the incarcerated population. Chapter 12.02.28. of COMAR established a process by which an incarcerated individual may seek administrative remedy for conditions of confinement, which includes complaints or concerns regarding:
  - (1) Correctional facility policy and procedures;
  - (2) Medical and mental health services;
  - (3) Access to a court;
  - (4) Religious liberties;
  - (5) Inmate property that is:
    - (a) Lost;
    - (b) Damaged;
    - (c) Stolen;
    - (d) Destroyed; or
    - (e) Confiscated;
  - (6) Complaints against staff;
  - (7) Use of force;
  - (8) Sentence computation and diminution of confinement;
  - (9) Correctional facility conditions affecting inmate;
    - (a) Health;
    - (b) Safety; or
    - (c) Welfare;
  - (10) Retaliation for seeking to resolve a complaint through the ARP;
  - (11) Management and application of the procedures under this chapter for resolving an inmate complaint;

- (12) Commissary; and
- (13) Inmate telephone system.

- If the incarcerated individual is not satisfied with the resolution, there is an appeal process in place. The ARP is also subject to audits, which includes examination of:
  - (a) Required files and documents related to the correctional facility's use of the ARP;
  - (b) Documents related to investigations of inmate complaints under this chapter;
  - (c) Actions taken related to implementing remedies resulting from meritorious or meritorious-in-part inmate complaints;
  - (3) Conducting interviews with inmates and staff to assess the effectiveness of the ARP;
  - (4) Interviews with correctional facility staff to determine necessary amendments to the ARP; and
  - (5) An exit interview with the managing official to provide an overview of findings.
- In addition, a correctional facility may be subject to a non-scheduled audit or follow-up audit to determine progress on corrective action.
- PRISM - The Department has a contract with the Prisoner Rights Information Systems of Maryland (PRISM). PRISM is required to provide legal assistance to individuals incarcerated in state prisons on matters concerning conditions of confinement, sentence calculation, constitutional rights, and claims that affect a serious health, life, or safety concern of an inmate. PRISM must also conduct outreach and educate the incarcerated population of its available resources and access to the courts for these matters.
- The mechanisms described above are in place to ensure there is a fair and equitable process for an incarcerated individual to file and resolve complaints and grievances.

**CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on Senate Bill 87.