



February 8, 2023

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

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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.¹

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 cases² that have prompted policy changes nationwide that place the focus, instead, on rehabilitation.³ A recent national survey⁴ 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.⁵ 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

¹ Proposed Senate Bill 0087.

² 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/>

³ 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>;

⁴ 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/>

⁵ 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.⁶ 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.⁷ Just two years earlier, over two dozen correctional officers in Baltimore, MD were indicted for assaulting and threatening detainees.⁸ These indictments are only a few of many major scandals involving corrections officers in Maryland, dating back to 2006.⁹

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

⁶ 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>

⁷ 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>

⁸ 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/>

⁹Rigby, 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/>



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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.¹⁰ 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.¹¹ 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.

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¹⁰ 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>.

¹¹ *Id.*