



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