

Statement of Eric E. Sterling  
to the Senate Judicial Proceedings Committee  
and House of Delegates Committee on the Judiciary  
March 9, 2021

In support of  
HB 1188 and SB 809 – Office of the Attorney General – Correctional Ombudsman

Chair Senator Smith and Chair Delegate Clippinger, Vice Chair Senator Waldstreicher and Vice Chair Delegate Atterbeary, honorable Senators and Delegates, thank you for considering the bill to create a Correctional Ombudsman today.

I highly commend Senator Hettleman and Delegate Barron for their leadership, wisdom and compassion, working with the Maryland Alliance for Justice Reform, in taking on the challenge of developing a system of comprehensive independent oversight of Maryland's correctional system and. I urge you to favorably report SB 708 and HB 1188.

In the late 1970s, I opened the first office of the Delaware County Public Defender inside the county prison to serve our jailed and imprisoned clients. I have been concerned about correctional conditions ever since. In the mid 1980s, I participated in the inspection of federal prisons as assistant counsel to the U.S. House Judiciary Committee, Subcommittee on Crime. In 1990 I helped found FAMM – Families Against Mandatory Minimums and continue to serve on the board of directors. FAMM has been a non-profit leader in changing federal and state laws and policies to reduce sentences and reunite families. Over my career, I have interviewed prisoners and witnesses in correctional institutions in seven states and the District of Columbia, including in five counties in Maryland, and including two facilities especially for women. I played a major role in the documentary motion picture, *Incarcerating US* (2016), and have a cameo role in *The Sentence* (2018, HBO) about the family of a woman serving a long mandatory federal drug sentence.

**In my experience, the overwhelming majority of the men and women who work in corrections are profoundly dedicated to the well-being of the men and women in their care.** I have seen in Montgomery County, especially, how outstanding leadership and management can create a culture of respect and care for incarcerated men and women that minimizes the harmful effects of imprisonment and maximizes the opportunity for rehabilitation. I have enormous regard and admiration for Robert L. Green, the Secretary of the Department of Public Safety and Corrections, and my support of a Correctional Ombudsman is not due to any lack of confidence in his capability to continue to serve as an outstanding leader of the Department.

It is an understatement to say that prisons and jails are challenging environments to manage. Our culture has shaped policies that make security, force, and the exercise of power central to correctional environment. Control and resistance to control permeate the contemporary correctional context. Prisons are also the locus of some of the gravest injustices of

our society. Even after the application of due process, the reality of who is imprisoned, and why, is one of the most egregious consequences of America's poisoned racial and class dynamics. This reality pervades correctional administration despite the best intention of correctional managers and staff.

As legislators, in our daily Pledge of Allegiance that America is a "nation. . . with . . . justice for all," we remind ourselves that **justice** is the right and expectation for everyone within the jurisdiction of our laws. **The fundamental lesson of the U.S. Constitution is the centrality of "checks and balances" to maintain the integrity of our government and our system of justice. Given the enormous power inherent in our correctional systems, it is axiomatic that there be an independent authority that can provide oversight of the correctional system.** The legislation you are considering is well designed and lays the groundwork for the Correctional Ombudsman to meet the Standards of Practice of the International Ombudsman Association.

One example of Maryland's need for an independent oversight mechanism for our corrections system is revealed by the record of misconduct that has resulted in numerous indictments of correctional personnel over the past dozen years, which I summarize below. Thank you for considering my views. I urge you to favorably report SB 708 and HB 1188.

Eric E. Sterling, J.D.  
Resident of 18th Senatorial District, 23 years.

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Since 2008, Maryland's state correctional institutions have had at least 5 major criminal scandals:

- In April 2008, 17 correctional officers were fired from two Maryland correctional institutions, charged with assaulting and abusing inmates.  
[https://www.nytimes.com/2008/04/10/us/10brfs-17CORRECTION\\_BRF.html](https://www.nytimes.com/2008/04/10/us/10brfs-17CORRECTION_BRF.html)
- In April 2013, 13 female guards at the state-run Baltimore City Detention Center were among 25 persons indicted by a federal grand jury for bribery, racketeering, extortion, drug trafficking and money laundering.  
<https://www.usatoday.com/story/news/nation/2013/04/23/baltimore-plot-smuggle-contraband-jail/2107523/> Additional indictments were filed, and at least 40 persons had pleaded guilty by Nov. 2017 in this case.
- In October 2016, another 80 persons, including 18 corrections officers, were indicted for similar crimes in Eastern Correctional Institution in Westover.  
<https://www.baltimoresun.com/news/crime/bs-md-prison-corruption-20161005-story.html> In that case, according to the Baltimore Sun, prosecutors said, "...Officers [twice] directed inmates to stab other inmates, *once in retaliation for the targeted inmate filing a complaint against the officer.*" (emphasis added). This was the third large-scale federal indictment of widespread corruption and violence in Maryland state-run correctional institutions in a decade. As of Nov. 2017, more than 60 defendants had pleaded guilty.

- In Nov. 2017, a Jessup Correctional Institution sergeant was indicted for being a leader of the Crips organization in Baltimore; another correctional officer was among the 25 indicted. <https://www.baltimoresun.com/news/crime/bs-md-prison-gang-indictments-20171130-story.html>
- In April 2019, 20 defendants were arrested on federal charges alleging drug trafficking, bribery, contraband smuggling and money laundering in connection with activities at Maryland Correctional Institute, Jessup. <https://news.maryland.gov/dpscs/2019/04/17/20-indicted-in-prison-smuggling-conspiracy/>

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