

# **JJMU Support SB 809.pdf**

Uploaded by: Moroney, Nick

Position: FAV



**MARYLAND JUVENILE JUSTICE MONITORING UNIT**

**TESTIMONY IN SUPPORT OF SB 809: OFFICE OF THE ATTORNEY GENERAL –  
CORRECTIONAL OMBUDSMAN**

***Senate Judicial Proceedings Committee***  
**March 9, 2021**

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

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**The Juvenile Justice Monitoring Unit (JJMU) supports SB 809**, which will provide independent oversight and monitoring of the adult corrections system and improve safety and services inside Maryland's prisons.

The JJMU is an independent state agency housed in the Office of the Maryland Attorney General. The mission of the JJMU is to promote the transformation of the juvenile justice system into one that meets the needs of Maryland's youth, families, and communities. This mission is accomplished by collaborating with all who are involved with the system. Monitors from the Unit 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 in the Maryland juvenile justice system since its formation in the wake of widespread systemic abuse issues. The activities of the independent monitoring agency increase the transparency and accountability of the system and raise awareness of the needs of incarcerated youth in the juvenile justice system. Our public reports can be accessed via the following link:

<https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx>

Independent monitoring with effective oversight works as an important safeguard against the many kinds of abuses that can occur inside high fences and behind locked doors. Unfortunately, unlike the juvenile justice system, people housed in adult prisons in Maryland have been left without the protections and early interventions that an independent body will bring. The proposed Ombudsman's office will mitigate against abuse and can also help to address potentially serious shortcomings before they become chronic systemic issues. SB 809 will bring much needed transparency, accountability, and oversight to Maryland's prison system to promote the safety, health, mental health and well-being of individuals in state custody and help ensure that prisoners receive adequate rehabilitative services to facilitate successful 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 the first step toward introducing constructive prison reform measures which will lead to a more effective system that better equips imprisoned people for life in their communities. Such an outcome will help reduce recidivism, strengthen families and communities and enhance public safety in our state.

**For these reasons, the JJMU supports SB 809 and respectfully urges the committee to give the bill a favorable report.**

# **SB0809 MD NARAL SUPPORT.pdf**

Uploaded by: Philip, Diana

Position: FAV



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**SB0809 - Office of the Attorney General – Correctional Ombudsman**

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee

March 9, 2020 1:00 p.m.

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**POSITION: SUPPORT**

NARAL Pro-Choice Maryland urges the Judicial Proceedings Committee to issue **a favorable report on SB0809 - Office of the Attorney General – Correctional Ombudsman**, sponsored by Senator Shelly Hettleman.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. In doing so, we recognize the importance of systems dedicated to ensuring that all pregnant individuals can get the healthcare they need to experience safe and positive pregnancy and birth outcomes.

SB0809 establishes an ombudsman for correctional facilities in the Office of the Attorney General. We strongly believe that this position is greatly needed to conduct investigations, inspect facilities, resolve complaints, and strengthen protections of those inside the walls. In 2017, our organization convened the coalition, Reproductive Justice Inside, to advocate for the sexual and reproductive healthcare, services, and rights of any adult or juvenile in the various correctional and detention facilities in our state. We were the lead advocates for the passage of a state law in 2018 establishing that each facility must have a written policy that addresses all pregnancy-related issues, and that a copy of that policy shall be provided to each individual residing in a facility that has received a positive pregnancy test result. However, incarcerated individuals currently do not have an unbiased source to express any complaint about denied or delayed timely healthcare, access to services, or exercise of one's rights.

The United States has four percent (4%) of the world's female population, but thirty percent (30%) of its female incarcerated population.<sup>1</sup> Contrary to this fact, information regarding gender-specific health conditions about incarcerated women is scarce, especially regarding pregnancy. Not only are three-quarters of women of childbearing age, but eighty percent (80%) of incarcerated women report that they have been sexually active with men three months before their incarceration with less than one-third using a reliable method of contraception.<sup>2</sup> Therefore there is a probability that some individuals will enter prison while pregnant. Currently, their voices are suppressed and, oftentimes they do not receive the proper care they need to experience a safe pregnancy.

SB0809 would save women like [Diana Sanchez](#) who was ignored when she alerted medical staff and prison guards that she was in labor, ultimately causing her to give birth alone in her cell. Only half of pregnant

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<sup>1</sup> Sufrin, C., Beal, L., Clarke, J., Jones, R. and Mosher, W., 2021. Pregnancy Outcomes in US Prisons, 2016–2017.

<sup>2</sup> Ibid.

women in prison reported receiving some form of prenatal care while incarcerated.<sup>3</sup> Incarcerated pregnant individuals are particularly vulnerable to pregnancy complications. As of now, their voices are not being heard and there is a scarce amount of data on pregnancy outcomes for incarcerated pregnant individuals.

SB0809 authorizes that incarcerated individuals' pregnancy-related health care needs are met. The ombudsman would have the ability to oversee any mental, emotional, or physical abuse taking place in correctional facilities. When issue arise in correctional facilities, they need to be investigated not through the corrections department's internal process, but rather a neutral party and the Office of the Attorney General is ideal, as it also houses the Juvenile Justice Monitoring Unit.<sup>4</sup> SB0809 intends to solve this issue and would ultimately create a safer future for individuals who face unjust treatment while incarcerated.

For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0809**. Thank you for your time and consideration.

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<sup>3</sup> Daniel, R., 2021. Prisons neglect pregnant women in their healthcare policies. Prisonpolicy.org. <https://www.prisonpolicy.org/blog/2019/12/05/pregnancy/>

<sup>4</sup> Featherly, K., 2021. Corrections ombudsman survives panels. [online] Minnesota Lawyer. Available at: <https://minnlawyer.com/2019/03/11/corrections-ombudsman-survives-panels/>

## **Ombuds action testimony.pdf**

Uploaded by: Rose, James

Position: FAV

## **Support HB1188/SB0809 — Office of the Attorney General — Correctional Ombudsman**

**Testimony of Jim Rose**  
**5455 Wingborne Court**  
**Columbia MD 21045**

I am writing to ask your support for HB1188/SB0809 — Correctional Ombudsman.

As you know, prisons are dangerous and unhealthy places. Although the office would not have the authority directly to fix the problems it identifies, the ombudsman could offer mediation and broker prompt, informal solutions. More important, it would bring transparency to Maryland prisons, highlight systemic and recurring problems, and recommend changes. Finally, as other states that have introduced an Ombudsman Office have shown, the creation of this office could result in substantial savings now spent on prisoner grievance litigation, healthcare, and other costs.

This bill would establish, an independent ombudsman in the office of the Attorney General to publicly report on problems and recommend improvements regarding the needs and rights of prisoners, their families, and prison volunteers. The Office of the Ombudsman would be responsible for investigating complaints concerning incarcerated persons' health, safety, welfare, and rights; providing information to them and their families; identifying and publicizing systemic issues; and monitoring compliance of the Department of Corrections with relevant statutes, rules, and policies. Its employees would have the authority to enter any facility at any time and talk to anyone they deem necessary. Correspondence and communication with the Office would be confidential and privileged.

For more information see the issue brief: <https://www.ma4jr.org/ombuds/>

# **EES for Corr Oversight HB 1188:SB809.pdf**

Uploaded by: Sterling, Eric

Position: FAV

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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# **SB809\_StrongFutureMaryland\_FAV.pdf**

Uploaded by: Wilkerson, Alice

Position: FAV



**Testimony in Support of Senate Bill 809 (Senator Hettleman)**  
**Office of the Attorney General – Correctional Ombudsman**  
**FAVORABLE**

March 9, 2021

To Chair Clippinger and Members of the Judicial Proceedings Committee:

On behalf of Strong Future Maryland, we write in support of Senate Bill 809. Strong Future Maryland works to advance bold, progressive policy changes to address systemic inequality and promote a sustainable, just and prosperous economic future for all Marylanders.

Maryland is one of the few states in the country without an independent Office of the Ombudsman responsible for ensuring accountability and oversight over state and local correctional facilities. This has led to numerous reports of unsafe and unhealthy conditions in state and local facilities as well as widespread abuse of power and corruption by prison officials and incidents of criminal participation involving officers at correctional institutions. In 2019, for example, [20](#) defendants were arrested on charges of racketeering and drug trafficking including employees affiliated with the Department of Corrections, correctional officers, and contractors. In addition, in 2016, 18 correctional officers were charged with corruption, assault, and drug trafficking in an incident that occurred at the Eastern Correctional Institution in Westover, Maryland. It should be noted that these are just two of the many criminal proceedings that have taken place over the last five years in relation to the correctional system and that there have been numerous other criminal scandals that have taken place over the past decade.

The pandemic has helped shed light on a number of issues, including but not limited to inadequate funding, staffing shortages, and the inability of patients to receive their prescriptions in a timely manner. These issues have persisted, [unaddressed](#) for more than two decades despite repeated promises of reform. A multitude of lawsuits and internal memorandums indicate that the Department has continually struggled to provide inmates with quality and timely access to healthcare. At the [onset](#) of the pandemic, many patients with serious health complications such as hypertension and heart disease were unable to receive the medication they needed to manage their condition despite legislation that specifically requires critical care patients to continue receiving medical attention in a timely manner during a disaster, pandemic, or emergency.

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Senate Bill 809 aims to address these issues by enabling the creation of a correctional ombudsman's office in the Office of the Attorney General and will be responsible for the supervision and auditing of correctional facilities in the state. Once the Office has been established, the Ombudsman will serve at the pleasure of the Commission on Correctional Standards, and will assist the committee in determining whether local and state correctional facilities have been operating in violation of state law and work on the implementation of a compliance plan to address concerns. The Office of the Ombudsman will be completely independent of the Department of Corrections and will be allowed to make regular, unannounced visits to state and local correctional facilities. If it is found that the facility is still in violation of state law after a letter of reprimand has been issued by the commission, the Ombudsman will be responsible for conducting a full standards and performance audit of the facility to ensure the safety of inmates and to ensure that these violations are addressed. These provisions will bring much needed accountability and oversight to the system.

We respectfully urge a favorable report.

On behalf of Strong Future Maryland,

*John B. King*

*Alice Wilkerson*

*David Zheng*

Founder & Board Chair

Executive Director

Policy Intern

## **SUPPORT 809 - aw.pdf**

Uploaded by: Caroom, Philip

Position: FWA

## **SUPPORT SB 809 – CORRECTIONAL OMBUDSMAN ACT**

Testimony of Anita Weist, retired DPSCS – Eastern Regional Addictions Supervisor.

Hello. My name is Anita Wiest. I am a Maryland licensed clinical social worker and a Maryland licensed addictions counselor. I 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. From 2009 thru May 2019, I worked as a correctional social worker and was then promoted to Eastern Correctional Institution. My initial job classification was a correctional social worker until I was promoted to DPSCS - Eastern Regional Addictions Supervisor. I submit testimony in favor of Senate Bill#0809 for a correctional ombudsman from these experiences and my perspective.

There is scarce drug treatment taking place in Maryland's prisons, 262 inmates completed addictions treatment statewide in 2017. I expect those numbers have not increased. No addiction counselors have been hired since I last hired an addictions counselor in May 2017. As of tomorrow (3/5/21), there will be only 6 addictions counselors in our state prisons.

I'm sure you are aware there is a significant drug problem in this country and that many offenders maintain their use of substances during their incarceration. It helps them get thru their days as there is little to do if you don't have a 5 day a week job or educational program to keep busy. Even if there were more addictions counselors, current policy is no treatment is available unless you are 3 years from release. There are a few self-help groups but they are often very large and do not always have the support of outside volunteers.

Since 2016, scheduling of offenders into treatment groups is done by a system of excel spreadsheets being maintained at each prison and at headquarters with final scheduling being done at headquarters. After developing the new database system for the department known as the Offender Case Management System (OCMS), we learned it was not programmed with the ability to track offenders' placements into any treatment groups to include social work and addiction. Consequently, scheduling and placement into treatment is done using Excel spreadsheets at DOC headquarters. This process is labor intensive and inefficient. It also can be quite inaccurate. Turning this process over to headquarters staff did not always allow for release information to be updated so that often offenders were released with no drug treatment at all. It is the local case managers that have the most thorough and current picture of the offender's needs and movement through the system.

The treatment manual in addictions programming has not been revised since May, 2007. A policy in this manual states, if someone in drug treatment submits a urine test

which indicates the person has used drugs, they are to be discharged from treatment. Drug treatment has changed so much since 2007 and no longer should pursue such policies; this punitive approach in Maryland prisons has not kept current.

The clients we treat in the prison setting have experienced significant trauma in their lives, most starting in childhood. It's one of the reasons they started using drugs and continue in unhealthy drug use. The addiction treatment protocols being used are not evidenced based and not trauma informed. I started offering a trauma informed treatment protocol at ECI which is evidenced based. I used it in our aftercare programming as well as our recovery tier. Something I learned after I worked in these groups with the clients is that they had never defined such events as childhood abuse, family abandonment, being in a gang, being shot or stabbed or robbed as trauma. Those things were just normal parts of their lives. Once they understood they had suffered and had sought out drugs in an effort to numb, they began to see themselves as having the ability to heal. This program also taught them healthy coping skills to replace their substance use. Unfortunately, the initiative was not embraced system wide and drug treatment in the DOC is not trauma informed.

In addition to my regular duties as Eastern Regional Addictions Supervisor, I led an initiative to develop and manage a recovery tier at ECI. This resulted in 96 available treatment beds on a tier. This initiative was developed in response to Governor Hogan's Opioid Overdose Response Task Force and at the request of our Warden Kathleen Green. I arranged for the vetting and subsequent training of 13 incarcerated citizens to become Maryland Certified Peer Recovery Specialists. An intensive treatment program was developed and implemented on this recovery tier. Thru statistical analysis, we were able to demonstrate that there was a statistically significant decrease in institutional infractions for offenders who participated in the program both during their stay in the program and subsequent to program participation. GOCCP was the funding source for the RSAT funds used for this program. They seemed pleased with the work the program was doing and had indicated they would make available RSAT funds for an additional year.

Despite an endorsement from the Governor's task force, a significant decrease in institutional infractions and a promise for another year of funding, this program met with resistance from its initiation at both the administrative level at headquarters and custody staff at the institutional level. In May 2018, I was ordered not to talk about the program, the grant I wrote to support the program, or anything to do with substance abuse treatment to anyone outside of ECI to include other prisons and staff at headquarters. I was removed from writing the grant reports. Headquarters redirected the balance of the funding to pay for a staff training delivered by Hazeldon Foundation, at a cost of \$68,553. There were 1841 workbooks (copyright 2002) purchased and distributed to

some prisons. To my knowledge, these workbooks remain in boxes in counselors offices without a design for implementation.

I believe, if this successful peer training program has been properly supported, at this point in time we could have had state certified peers in all of our state prisons. Case in point, Pennsylvania has over 500 trained peers in 25 of its 26 state prisons. They are helping thousands of inmates. Perhaps an ombudsman could have interceded in this debacle and our incarcerated citizens may have had some treatment available to them during this time of COVID when treatment staffs are not entering the prisons.

During the 2009 Legislative session, HB 637 was passed and signed into law by Governor O'Malley. This bill established a Task Force on Prisoner Reentry. It may have been in 2011 when the final report from the task force was developed, I attended a day long symposium of prisoner reentry held by the Department of Public Safety. I thought it was a wonderful event, well-planned and executed. I heard such optimism regarding the work we would be undertaking. I remember being so hopeful. Ten years later and I regret to say that the majority of the releases seem ill prepared to transition back to their communities.

I continue to advocate for restorative justice and am involved in a local mentoring program for incarcerated citizens. This work is my passion. I took the mission of the DOC seriously which outlines protections for the public, its employees and its detainees. Most all of these citizens will be returned to our communities. Without proactive measures in the Division of Corrections, our mission cannot extend beyond the walls of our institutions. I had a top administrator in the Division tell me I was ahead of my time. I disagree.

This Department is not promoting programs and supports, as it could, to assist some very vulnerable citizens to become socially responsible. Perhaps an ombudsman could investigate what is being said about program supports and what actually exists. Unannounced visits by an ombudsman are also crucial to the effectiveness of oversight. Accountability is essential for an organization and for a society. Without it, it is difficult to get people to assume ownership of their own actions because they believe they will not face any consequences. As a retired mid-level supervisor in the DOC, I did not see a demand for work or urgency or need for the work in people above me and in some of my colleagues. I worked tirelessly but was oppressed in my efforts. Please know I have records of correspondence and paperwork to support all my testimony.

## **Support SB 809 - LG.pdf**

Uploaded by: Caroom, Philip

Position: FWA

# MD CURE

P.O. Box 1541, Millersville, MD 21108

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❖ **Maryland Citizens United for the Rehabilitation of Errants**

**HOUSE JUDICIAL HEARING  
HB 1188  
MARCH 4, 2021  
ANNAPOLIS, MARYLAND 21401**

**Officers**

**President**  
Lea Green

**Vice President**  
Thomas Chleboski

**Treasurer**  
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**Secretary**  
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**Board of Directors**

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Walter Lomax  
Executive Director  
Maryland Restorative  
Justice Initiative

Frank M. Dunbaugh,  
J.D.  
Executive Director  
Maryland Justice  
Policy Institute

Honorable Salima S.  
Marriott

**To Members of the Judicial Committee**

**On June 12, 2018, I received a letter, from Patricia Goins-Johnson that I was BAN from volunteering, at any offices under the Department of Public Safety and Correctional Services for 5 years! It stated I act inappropriately as a volunteer!**

**As a mother of a Lifer with parole and an Advocate for Prison Reform, I was shocked beyond words, all I was able to think about was, “I am not going to be able to visit my son”! It was a very painful time for me.**

**I called to state, this was a misunderstanding, I was never made aware of any violations etc.! I was told they did not have to give me any explanation! Two letters requesting to know the RULES I violated has gone unanswered! It has always been my intent to try to bring positive Bi-partisan information to the population, all under the “Freedom of Information Act” which was highly appreciated. Establishing a Maryland Correctional Ombuds, would at least make everyone accountable to their actions.**

**Your consideration of my request would be greatly appreciated.**

**Sincerely Lea Green, President**



## **support SB 809-br.pdf**

Uploaded by: Caroom, Philip

Position: FWA

March 5, 2021

TO: Chairman Will Smith and Members, Sen. Judicial Proceedings Com.  
FROM: Robert J. Rhudy, Member, Executive Committee, Maryland Alliance for Justice Reform (MAJR)  
RE: Support for Senate Bill 0809 - Attorney General—Correctional Ombudsman

Dear Chairman Smith and Members,

I participated for several months during 2020 in a working group of Maryland Alliance for Justice Reform (MAJR)—professionals trained in law, psychiatry and social work—who studied the operation of correctional ombudsman programs across the country, including fairly recent such programs in Hawaii and Washington. We also learned that several other states are currently considering such programs to assist in reviewing and resolving conflicts involving persons in their correctional facilities--inmates, staff, as well as family or others seeking to interact with the incarcerated population--in cost-effective, efficient, and productive manners.

I understand that other of my MAJR colleagues will be providing testimony in support of this legislation, and I do not seek to duplicate their testimony. I do have some other personal experiences that may be of some value for your consideration.

After graduating from University of Iowa Law School in 1973, I practiced law in Des Moines during 1975-1978. Much of my legal practice involved providing legislative advocacy for state agencies and nonprofit organizations before the Iowa General Assembly based on some of my prior experience, but I also did some criminal representation and served as president of the Iowa Civil Liberties Union. I became very familiar with the Iowa Ombudsman Office, created around 1972 and one of the earliest in the United States. It was an independent agency, created by state statute, with a director (the “Iowa Ombudsman”) who was hired by the Iowa General Assembly. The office had ombuds responsibilities at that time for five state agencies, including the departments of corrections, health, and social services (and two others I do not recall). The Ombudsman hired and managed five assistant ombudsmen with responsibility for each of these agencies, along with an administrative staff. If the ombudsman office determined that the policy or practice of an agency was causing a recurring problem and recommended a change that was ignored, the ombudsmen would take its recommendation to the governor, and if still ignored, it would report the matter to the General Assembly perhaps along with corrective legislation. Because of my limited criminal practice and Iowa Civil Liberties Union service, I had primary contact with the ombudsman work on corrections matters, enjoyed my relationship in that area, and found that it had a very favorable reputation even early in its existence. I talked with the

Iowa Ombudsman and assistant ombudsman for corrections this past year and it continues to maintain a very active caseload with what sounds like a good rate of resolution. It now seems to have responsibilities for all state agencies (but not the office of the governor, general assembly, or courts), but also complaints involving local governments.

In a December 28, 2020 press release briefly summarizing the year's work, the Iowa Ombudsman Kristie Hirschman stated:

"The Ombudsman is a good-government office that accepts complaints from citizens who believe that a state or local government agency has acted unfairly, unreasonably, inefficiently, or contrary to law, rule, or policy. The Ombudsman has the authority to investigate complaints, but more often tries to resolve disagreements or misunderstandings informally and cooperatively."

I returned to my birth state of Maryland in November 1978, when I was hired to create and manage a new branch office of the Legal Aid Bureau in Cumberland, serving Allegany, Garrett, and Washington Counties. LAB, now Maryland Legal Aid, was and remains our primary statewide program providing legal assistance to low-income persons in civil matters. Primarily funded at that time with federal grants from the U.S. Legal Services Corporation, which budget expanded substantially during Jimmy Carter's presidency from \$70 million in 1976 to \$321 million in 1980, LAB opened several new offices in Maryland during 1977-1980. I and other attorneys in the Western Maryland office provided legal assistance to persons incarcerated at Maryland Correctional Institution-Hagerstown regarding complaints within the prison as well as external matters such as divorce and estate distribution. After my favorable experiences in Iowa, I missed having an ombudsman program that I could confidently refer many of the inside-the-walls conflicts for review and possible resolution. (Note: Because of restrictions enacted by Congress in 1996 to any program receiving Legal Services Corporation funding, Maryland Legal Aid was prohibited thereafter from providing legal assistance to persons in prison.)

My work for Legal Aid also included serving as legislative advocate on matters concerning the needs of our low-income client population before the Maryland General Assembly, and to our state's members of the U.S. Congress following the election of President Ronald Reagan in 1980 when he undertook the elimination of the U.S. Legal Services Corporation. In April 1983 I was hired as executive director of the Coalition for Legal Services, Washington, D.C. which was responsible for coordinating the grassroots support to Congress for continuation of the U.S. Legal Services Corporation

and federal funding for civil legal aid. By 1985 we had succeeded in defeating the Reagan administration's efforts to eliminate LSC or further reduce funding. We closed the Coalition, and in April 1986 I became executive director of the Maryland Legal Services Corporation, which is the entity created by Maryland statute in 1982 to administer state-created funding sources for grants to our civil legal aid programs. I continued in this position until late 2003, during which time our funding grew from \$1,000,000 to \$15,000,000 annually, allowing the number of persons receiving civil legal aid to very substantially expand.

In 1998 I was appointed by then-Maryland Court of Appeals Chief Judge Robert Bell to serve on a mediation work group he created to determine how to expand the use of mediation and related conflict resolution approaches in our state by courts, state agencies, schools, businesses, and other entities. I began my mediation training shortly after I began serving on this work group. As one of our recommendations, the Judiciary created the Mediation and Conflict Resolution Office (MACRO) within the Judiciary to help direct the development and expansion of conflict resolution services, and the Judiciary provided funding for such activities. I was asked to serve as chair of MACRO's grant committee which reviewed proposals from courts, state and local agencies, community mediation programs, and other nonprofit organizations. I served in this role until early 2004, shortly after I left Maryland Legal Services Corporation.

Since 2004, much of my professional practice has been a combination of providing legal counsel, consulting to legal aid and other public and nonprofit organizations around the United States and other countries, and providing mediation training, services, and related consulting. The mediation services is what most relates to the correctional ombudsman program before your consideration, and why I believe this new program would well serve our state's needs in the correctional arena.

In late 2004 I developed a grant proposal for consideration by the Maryland Department on Aging (DOA) to develop and operate a model senior mediation program to assist older persons with a range of conflicts. DOA submitted the proposal to MACRO, which was approved, and I was hired as an independent part-time consultant to implement the program. We worked with national resources, did strategic planning, conducted workshops and trainings, and rendered mediation services in a wide range of matters, including court-ordered mediations in contested guardianship matters. This program quickly became the leading such entity in the United States. By 2007 DOA no longer felt the need to oversee the funding or program, and at its urging I created a nonprofit entity, Senior Mediation and Decision-Making, Inc. which continued to receive MACRO support and maintained our services, which expanded to include workshops and trainings around the United States and in Canada. The MACRO funding was

discontinued by 2010 after I had undertaken another mediation full-time responsibility (below) that did not allow my attention to senior mediation for three years

In September 2009 I was hired by then-Court of Special Appeals Chief Judge Peter Krauser to develop and direct a new appellate mediation program within that court. In accord with Chief Judge Krauser's lead, all cases would be co-mediated by a lawyer mediator and a retired judge mediator. Twenty-one retired judges from the circuit courts, Court of Special Appeals, and Court of Appeals, nearly all of whom had prior mediation training and some mediation experience, had been selected for this program, and I hired two additional attorney mediators to join with me as co-mediators. By approximately April 2010 regulations that I had developed for the new appellate mediation program had been adopted by the Court of Special Appeals and Court of Appeals, we developed and provided special training for all mediators, and we began selecting cases and providing mediations in a nearly comprehensive range of civil cases that were under appeal to CSA. The program is now a permanent part of the court and one of the most successful such appellate mediation programs in the United States.

I left the program in January 2012 and returned to a Baltimore-based private practice of a mix of providing legal counsel and representation, consulting, doing trainings and mediating. My training activity has primarily been on elder mediation, including several 2 1/2 to 3 day trainings for the Maryland Judiciary and one for the Association of Attorney Mediators in Chicago, IL plus numerous workshops at conferences around the country. My professional mediation practice is primarily in senior matters, while I also am involved in providing pro bono mediation assistance in my multi-state faith community.

I share this mediation experience because the ombuds service is a specialized form of conflict resolution that includes mediation and other related activities which I believe will provide more efficient, less expensive, and better reviews and resolutions in a range of conflicts within our correctional programs. I also believe, like mediation generally, it can provide more harmonious interactions than other conflict approaches, such as litigation which may result in the absence of the ombudsman service.

I hope that you will support this bill. Thank you for your consideration.

# **Support SB 809-corrections ombudsman.pdf**

Uploaded by: Caroom, Philip

Position: FWA

# Support SB 809 – 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 Committee  
FROM: Phil Caroom, MAJR Executive Committee  
DATE: March 9, 2021

Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) strongly supports SB 809 to create an independent Correctional Ombudsman office which could bring light, recommendations and expedite solutions for a wide range of long-standing problems experienced in 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. With unannounced inspections, “whistle-blower” protection, alternate dispute resolution (ADR), independent public reporting and recommendations, an ombudsman office would improve functioning of Maryland prisons because:

- Correctional Standards Commission provides only pre-scheduled inspections by colleagues and 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 their press releases, would have their many resource 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. Then, if dissatisfied, prisoner 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, today, confront management problems that emerge from political pressures, budget cuts, and inconsistencies between centralized control and decentralized fiefdoms of wardens and correctional administrators. Full disclosure is prevented 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 12 years. Division of Corrections’ most common response has blamed and restricted prisoners’ family visitation.

- Confidential reports as to correctional officers’ corruption would become easier with 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 treated in only a small minority of prisoners. **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 has "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 a number of months – Early reports by Md. prisoners, families & advocates have been ignored until statistics show 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 ombuds might carry more credibility and, thus, result in quicker responses. **In Nebraska's correctional ombuds-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, have been cut. GEDs, job-training, and drug treatment numbers all have dropped in recent years. Such programs, as well as education and vocational training, both reduce prison security problems and prisoners' recidivism upon release. An ombudsman report would offer the "big picture" and full context as to how cuts have hurt prison's effectiveness. **See testimony of former ECI warden - Kathleen Green.**

5)Overly-harsh sanctions 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 how cooperation rather than duplication and for prevention rather than crisis-response. **See testimony of Nick Morony, JJMU director.**

Eight states sister and large counties in eight more states all have adopted correctional ombudsman or similar systems with different names. (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 - pending 2021 publication.)

With his 10/10/19 proclamation, 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 809 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 SB 809-EC.pdf**

Uploaded by: Caroom, Philip

Position: FWA

## SUPPORT SB 809 - Correctional Ombudsman Bill

To whom it may concern:

During the past year I have had the privilege of corresponding with several MARYLAND prisoners.

I have been deeply grieved to learn

1. about rehabilitative services stopped and not available for years now.
2. about extremely inadequate responses to medical needs and gender identity issues of prisoners
3. about lack of protection to Covid, both with early release from prison and with necessary changes within prisons.

MARYLAND can and needs to do far better and more toward humane and rehabilitative treatment of all those in correctional institutions.

I have lived and worked in Maryland since 1974.

I love our state. And,

In the last 7 years my eyes have been unveiled to how we Marylanders treat prisoners, and I am profoundly ashamed.

The Ombudsman Program will offer needed accountability and transparency for years-overdue loving and just treatment of our fellow human beings.

Respectfully yours,  
Ellen Cronin, M.D.

# **NCADD-MD - SB 809 FWA - Corrections Ombudsperson.p**

Uploaded by: Rosen-Cohen, Nancy

Position: FWA



**Senate Judicial Proceedings Committee  
March 9, 2021**

**Senate Bill 809 – Office of the Attorney General – Correctional Ombudsman  
Support with Amendment**

NCADD-Maryland supports Senate Bill 809 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 9 in line 7:

**(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 809.

*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.*

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<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>

# **DPSCS\_LOC\_SB809.pdf**

Uploaded by: Kahl, Catherine

Position: INFO



## Department of Public Safety and Correctional Services

### Office of the Secretary Office of Government and Legislative Affairs

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CATHERINE KAHL  
ACTING DIRECTOR

**BILL: SENATE BILL 809**

**POSITION: LETTER OF CONCERN**

**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 receipt of specific reports and audits; 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' (DPSCS) primary mission is to oversee the Division of Correction (DOC), which houses inmates sentenced to terms of incarceration exceeding 18 months, the Division of Parole and Probation, and the Baltimore City Pretrial Complex.
- The safety, security, and well-being of the incarcerated population is a top priority for the Department. The Department has a multi-layered approach involving numerous offices - both internal and external - to ensure accountability in the treatment of the incarcerated population. **These mechanisms are already established in statute, regulation, policy, and stipulated in contracts as a multi-faceted approach.** SB 809 appears to be based on similar offices in other states that lack the same model and oversight already in existence.
- The Department is already subject to thorough, and routine internal and external audits conducted by the:
  - Maryland Commission on Correctional Standards (see page 2);
  - American Correctional Association (see page 2);
  - Office of Legislative Audits (see page 3); and, the
  - Office of Performance Evaluation and Government Accountability (see page 3).

- The Department has offices dedicated to investigating, responding to, and correcting areas of noncompliance or concerns involving:
  - 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)
  - Adherence to medical treatment contracts (see “Office of Health Contracts Administration and Audits” on page 3)
- **Robust regulations already exist that enable the incarcerated population a mechanism by which they can avail themselves of claims or concerns surrounding conditions of confinement** (see “Administrative Remedy Process” on pages 3-4). The process includes an investigatory process, timeframes for responses, and a right of appeal up to the Office of the Inspector General and onto the Circuit Court.
- **The incarcerated population already has access to legal representation - at no cost to them - on matters concerning conditions of confinement**, sentence calculation, constitutional rights, and claims that affect a serious health, life, or safety concern of an inmate - at no cost to the inmate (see “PRISM” on page 4)
- Maryland Commission on Correctional Standard - The Department is already obligated to comply with auditable standards based on best practices in corrections established by the Maryland Commission on Correctional Standards and the American Correctional Association. The Maryland Commission on Correctional Standards (MCCS) was established by the General Assembly to establish auditable standards for state and local correctional facilities. MCCS staff conduct routine audits of state and local correctional facilities to determine levels of compliance with the established standards, develop audited reports regarding compliance, and provide technical assistance to correct areas of noncompliance. MCCS meetings are held monthly and are open to the public.
- American Correctional Administration - In January 2020, DPSCS signed a Memorandum of Understanding (MOU) with the American Correctional Association (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:
  - o Inmate Grievance Office - The Inmate Grievance Office has jurisdiction over all inmate grievance complaints against Departmental officials and employees.
  - o Intelligence and Investigative Division - The Intelligence and Investigative Division conducts criminal and administrative investigations into allegations of serious misconduct within the Department.
  - o 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 DPSCS' 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.
  - o Office of Health Contracts Administration and Audits - This office is responsible for monitoring the agency's contracts with its medical and mental health treatment providers.
- State Regulation already provides an Administrative Remedy Process for the incarcerated population. Chapter 12.02.28. of COMAR establishes 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.

- 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 Department's Assistant Attorney General's (AAG) Office is not currently staffed to handle these additional inquiries, due to existing duties such as PIA requests, media requests, and inmate letters that require legal input.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider these concerns when deliberating on Senate Bill 809.