

scan_moyd_2024-01-29-14-15-27.pdf

Uploaded by: ANITA WIEST

Position: FAV

W.A. VanThamco Jr. #236137
Jessup Correctional Institution
P.O. Box 534
Jessup, MD 20794

To the Maryland General Assembly Judicial Proceedings Committee
Att. Favor - Correctional Overboardman Bill #

I am 55 yrs old resident at (JCI) from the Nations Capitol & MD
DC has held me for 30 yrs+. Am in complete support of the bill.

Challenges around this Institution are (inmate) neglected health
treatment. 2-11-03, This, (JCI) played its role w/ having me transferred to
Correctional DC per se. Intestals (Correctional) Complaint, 1-8-06, I was
attacked and needed a major head surgery on my skull w/ a steel plate
on my head. 4-17-06, I came back to MD JCI SuperMax on East Madison
Street. Haven't received the leg surgery on my left or check teeth being
refused of an Nova Bridge.

Since my 8-12-22 arrival, I see a many inmates in f-bldg
where I'm placed w/ walk rollers; where walk better than me !!!
Also, w/ single-cells! My adventure is on my medical file! An
physical practitioner Patient came working here & ordered me one
during 2023 Month of Ramadan. To this day, I remain in f-bldg
bottom bunk of a cage & navigating my way through daily madness.

10-15-23, My daughter William Logan & 1st niece Hilda Roberts were
harassed walking through the METAL DETECTORS w/ these African
to flip

assumption going wrong. After Smith threats like (A could, if A wants)
they allowed to come see me, waiting 2:15 minutes arriving
of (JCE) - I await your ASSISTANCE.

Independent oversight can resolve these ISSUES better they have
wait. Eliminating this lack of RESPONSIBILITY + ACCOUNTABILITY
of reviewing of a Foreman's matters by the department of correction
itself.

I ask you all to vote favorable in support of the (Constitutional)
Ombudsmen Bill.

Thank You ——— PEACE BE UPON YOU

David Berry # 1410523
Jessup Correctional Institution
Jessup, Md. 20794



To: Maryland Judicial Proceedings Committee & House Judiciary Committee

Re: Correctional Ombudsman SB0134/HB0297

January 2024

I am a Maryland resident and plan to move to Baltimore once I am released from DOC. I am currently housed at the Jessup Correctional Institution. I support a favorable vote concerning the Correctional Ombudsman Bill. The reason for a need for a Correctional Ombudsman is simple. There need to be a check and balance within the Department of Corrections. It does not make to sense to have the Department of Corrections police itself when the Department is actually the problem. I do not believe that anyone on the honorable House and Judiciary Committees have direct connection with the Department of Corrections and the prisons within its infrastructure that is a conflict of interests. However, that is not the case with the Department of Corrections. I SUPPORT A FAVORABLE VOTE FOR THE CORRECTIONAL OMBUDSMAN.

Medical, Double Celling and Drugs: The medical staff is constantly changing. Consequently, when it comes to diagnosis, incarcerated persons get several opinions—each differing from the other. I need surgery on my left foot, big toe area and I have problems with my right shoulder. The medical department would rather keep me pumped up with medicine rather than fix the problem. Because I am an incarcerated person, I am not treated in a way that will fix the medical issues. To the contrary, the problem is prolonged. The Department of Corrections also forces incompatible incarcerated persons into cells with each other, thus creating serious problems that result in avoidable assaults and even murder. In the past 20 years, cell-buddy related deaths have risen. Many years ago, the Department of Corrections stopped incarcerated person from kissing their family and taking pictures in the visiting room. The reason for the prohibition was to prevent the flow of contraband into the institution. However, since the policy was implemented, drug related overdoses and deaths have risen considerably. In addition, during the COVID pandemic when all in-person contact with visitors was prohibited, overdoses skyrocketed. Incarcerated persons are always to blame for the drug epidemic in DOC facilities. However, that is not the reality. I SUPPORT A FAVORABLE VOTE FOR THE CORRECTIONAL OMBUDSMAN BILL.

Vocational Programming: I am a person who is always seeking to better himself and gain all the necessary tools to be a successful, productive citizen when I am released. The main problem is that there are approximately seven institutions that have some kind of vocational programming, but not one of them have what the other prisons offer. So, if an incarcerated person is not transferred to an institution that offers a particular vocational skill, that person may never get the opportunity to gain a skill. Over 400 lifers were blessed to return to society within the last 20 years. Most of them had no skill, training or vocational knowledge to fall back on. I had to beg to be transferred to an institution to be taught business and CDL Preparedness. Most incarcerated persons are transferred for bad behavior or for security reasons—not to earn a skill. I SUPPORT A FAVORABLE VOTE FOR THE CORRECTIONAL OMBUDSMAN.

ARP/IGO Process: The Inmate Grievance process is a joke to the inmate and the officers. Officers do what they want to do with impunity. When officers act outside their ethics, they tell incarcerated persons to "write it up" because they know that nothing will happen. Another problem is that there is a lack of professionalism because officers operate from the friend, homeboy, homegirl, girlfriend and boyfriend perspective when it comes to investigating issues that are written up using the ARP process. Officers are very disrespectful to incarcerated persons and their families when they visit them. Family members do not complain because they fear retaliation. When incarcerated persons file a complaint using the ARP process, the complaint is ignored or ruled or dismissed. Many ARP complaints fall on deaf ears. Independent oversight will help resolve all the issues and bring them to light throughout the Maryland system. Independent oversight will allow issues to be addressed by people who have integrity and do not have a conflict of interest. There are so many experiences of mistreatment in the Department of Corrections from visits, to lack of hot water, windows that do not open or close, lack of ventilation, lack of clothing and not enough educational staff to meet the needs of incarcerated persons that need GEDs. I ASK FOR A FAVORABLE VOTE FOR THE CORRECTIONAL OMBUDSMAN BILL.

Subject: Wide-Spread Systemic
Exclusion of Public Records

TO: Maryland General Assembly Judi-
cial and Judicial Committee

From: Yimoe Nitya Siddha #448394 -
0389304 (MCIT)

Date Nov. 25, 2023

To Whom This May Concern:

I am presently being housed at
the Maryland Correctional Institution -
Jessup. As I've mentioned in the above
caption, my issue is a systemic one
and is wide-spread here in Mary-
land. (1) Concerning Access to Court
Records which the U.S. Constitution
affords to every individual in a
criminal case - attached to due pro-
cess; however, that is not the case
with Maryland prisoners. The Sixth
Amendment and State law allows
me the rights to appeal my convict-
ion and the Record Keepers shall
provide access to those records.

(2) Criminal Appeals Division
Fees for MP/A documents Requests,
the Application for MP/A section 10-
611 through 10-628 for inspection is
being denied on a wide-spread level.

Briefly, I have personally been
trying to attain my transcripts to
file an appeal about my criminal

Cont.
2

conviction. It's been over a year,
I've been denied due process at
every turn, even my appeal was
denied because I could not attain
the transcripts for the hearing in
question.

Despite, with Certificates of Indi-
gency (MPTIA) every Maryland Agency
and/or Record Keeper of these Public
Records has denied my transcripts.

Just to make this issue clear,
the Court Clerk has given me the run
around, so much so that even when
I filed a Judicial Review and was
assigned Civil Action No. C-06-CY-23-
000344; and pursuant to Maryland
Rule 7-202(d)(1), a copy of the
petition was sent to agencies in question.
That was dated 7/26/2023, to date, no
response. I've filed motions for
hearing or response, the Court refuses
to acknowledge this judicial review.

That's how serious this issue is, there is
no oversight. Prisoners and my self con-
stitutional rights are being violated
by the keep institutions that suppose
to be protecting those rights. Each
day that goes by is not just a violat-
ion but with out due process, keeps
me in prison when the Constitution
affords me the rights to an appeal.
Again, it's been over a year
and I can not file any kind of

Cont. 3.

of appeal, that is not only against the law but our right demand in its self.

The Office of the Attorney General, who oversees the Criminal Appeals Division, refuse to file a complaint in my behalf, when their office acknowledged that I am the free stakeholder of those documents, so much so, that their office sent me every transcript for free because I call within that range (indigent) and said that the Courts and vendors refuse to send even the attorney General Office these transcripts.

So those private vendors whom extort prisoners, despite, indigent or not, or public official breaks the law and U.S. Constitution when prisoners, such as my self can not even appeal a conviction. Everything stops at the Circuit Court back door.

Someone has to step in and righten this injustice. It's wrong and criminal on every level, that's I'm writing to ask that your committee, as a body of Maryland legislators not only investigate but change the law that prevent prisoners from the justice system, that prevent from access to the Courts.

An oversight committee will resolve this problem before any other

prisoner is denied access to the courts because the level of wage spread systemic issue in Maryland has already begun, it would be a FAVORABLE NOTICE in support to all Maryland prisoners who has been fighting for years to receive public records (their transcripts) or has been locked out the justice system due to these private vendors who court clerk has allowed to extort Maryland prisoners who are poor.

Please your response is urgent needed. Thank you for your consideration.

SIDDHA

DS
Can the Mayor Office; Wes Moore be made aware that this Constitutional violation and Md law is being violated as we speak. And that the Office of the Attorney General confirm that public officials are even denying his office these public records.

Testimony February 2024.pdf

Uploaded by: ANITA WIEST

Position: FAV

Favorable

Support Senate Bill 134

My name is Anita Wiest. Between February, 2009 and May 2019, I worked as a correctional social worker at ECI and was subsequently promoted to Eastern Regional Addictions Supervisor. I have experience developing and implementing programs in government agencies, the non-profit sector and for profit health services settings.

I submit testimony in favor of Senate Bill 134 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; work I was unable to do as an employee.

While working in the prison I met so much resistance trying to be proactive and utilize resources to support additional programming. Headquarters interfered with and took grant funding (GOCCP) from a peer training program developed at ECI that I oversaw. They redirected the fund (\$68,553.00) to purchase a staff training and related DVD's and workbooks that have never been used and are stored in boxes in addiction counselor's offices state wide. There was never any follow up on the training or attempts to deliver the workshop with materials to the incarcerated individuals. Actually they wrote me up and disciplined me. The peer program we had developed and implemented demonstrated statistically significant positive results and GOCCP was so excited about the work we were doing they had already committed the funding to us for the following year.

In 2021, this same program was rolled out in the state prisons by DLLR. But the program is primarily a treatment program and should be administered out of the addictions and mental health departments.

Would you believe me if I told you that if it's not an idea initiated by certain headquarters personnel, then it is regarded as having little merit? It was the

conclusion I came to after significant frustration trying to work and make improvements in this system. I really could have used an ombudsman to look into this whole debacle. Despite being the eastern Regional Addictions Supervisor, I was not privy to the overdose death rate. I was told by another administrator at headquarters that the statistics show we are doing our job. At that time we only had 8 addictions counselors for 19,000 incarcerated men and women so the truth is we weren't able to do much at all. The saying, "Knowledge is Power" is well ascribed to the DOC. But, in the DOC knowledge is not shared, progress is not the goal and power corrupts. We need transparency and the lack of transparency is endemic to DPSCS. We're not going to get safer communities if all we are doing is warehousing people. And that's pretty much all we are doing right now. As far as I know, ECI, the largest prison in our state, has one addiction counselor.

Do not allow COVID to be the excuse. I hired the last addiction counselor at ECI in May 2017 years before COVID. Hiring has only recently been started again. 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. The date of the last revision of the Addictions Treatment manual was May 2007. Addictions treatment has changed so much in the last 17 years. I understand the new treatment protocol, whenever it is implemented, is not trauma informed. Any and all treatment in the prison systems should be trauma informed. The personal histories of the people that enter the criminal justice system are rife with trauma. When are we going to get serious about a different approach to criminal justice? I encourage all of you to take a look at the documentary "Breaking the Cycle" comparing Norway's Halden Prison to Attica in New York State. There's such a difference in the way we approach criminal justice. Norway actually keeps in mind that people in prison are coming home. We are breeding criminal behavior and attitudes and releasing people with little to no exposure with treatment; recognizing the benefits, and prioritizing the need for treatment resources and supports upon release.

Having worked in this system and having colleagues who have worked in this system for 30+ years, it is clear to me that unannounced oversight will be an essential component to start holding accountable a system that should be doing more. Oversight by an ombudsman empowered to make unannounced visits to the institutions could identify obstacles embedded in this system and invigorate its resources. There is far too much disinterest in job performance due to lack of oversight and accountability. I met many people in this system too invested in a job title with little interest in job performance; theirs or their supervisees. I don't see that changing without this proposed legislation. It's time to stop the dog and pony shows.

Please support this much needed legislation. In the long run, it should save the state money.

SB0134 Support.pdf

Uploaded by: Anne Kirsch

Position: FAV



PREPARE
PREpare for PARole and REentry

Anne Bocchini Kirsch
Director of Advocacy, PREPARE
anne@prepare-parole.org
(410) 994-6136

SB0134 - Office of the Attorney General - Correctional Ombudsman Unit - Support

My lived experience 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 outside that system 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 independent 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. The current update, which removes the Ombudsman office from the Office of the Attorney General and creates an independent agency, makes sure the office can remain neutral and apolitical.

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 or the authority needed to 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. The current Texas two-step transition of Corizon, Maryland's former prison healthcare contractor, to Yes Care is a perfect example of actions beyond the reach or investigative power of an institution.¹ An

¹ The Marshall Project, Corizon Faced Lawsuits From Prisoners, Then It Went Bankrupt, 2023, <https://www.themarshallproject.org/2023/09/19/corizon-yescare-private-prison-healthcare-bankruptcy>

PREPARE
PO Box 9738 Towson, MD 21284

Ombudsman, with the access and authority to investigate problems, get to the root of them, and mediate a solution, could have identified the pattern in Corizon cases long before they reached this level and taken action to prevent harm to incarcerated individuals.

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 134-Correctional Ombudsman testimony-UULM-MD-Su

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 134: 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 7, 2024

The state-wide Unitarian Universalist Legislative Ministry of Maryland strongly asks your support for SB 134 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. Under the previous administration, Ron Green was nominated 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 twelve 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 134.

Respectfully submitted,
Karen Clark

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

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.Twitter.com/uulmmd

Gibson-Banks Center Testimony - SB 134.pdf

Uploaded by: Brandon Miller

Position: FAV

Gibson-Banks Center for Race and the Law

**Testimony *in Support* of Senate Bill 134
Office of the Attorney General - Correctional Ombudsman Unit**

To: Senator William C. Smith, Jr., Chair, and Members of the Senate Judicial Proceedings Committee

From: Brandon Miller, Ereik L. Barron Fellow, Gibson-Banks Center for Race and the Law, University of Maryland Francis King Carey School of Law

Date: February 6, 2024

I am a second-year student and the Ereik L. Barron Fellow at the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center”) at the University of Maryland Francis King Carey School of Law. The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial and intersectional inequality, marginalization, and oppression. The Gibson-Banks Center supports Senate Bill 134 (“SB 134”), which would create the Correctional Ombudsman Unit in the Office of the Attorney General, dedicated to, *inter alia*, reviewing and assessing conditions, services, and operations in Maryland’s prisons; investigating issues related to these conditions, services, and operations; and protecting incarcerated individuals from inhumane and otherwise unlawful treatment.

The Correctional Ombudsman would help enhance the rehabilitative capacities of Maryland’s prisons while ensuring the extension of constitutional guarantees and basic human rights into those institutions. Specifically, the Ombudsman would investigate incarcerated individuals’ complaints, inspect prisons, publish public reports, and review correctional institutions’ policies and programs related to a variety of functions, including health services and restrictive housing. Through doing so, the Ombudsman would promote the democratic values of transparency and accountability. Indeed, these values are especially urgent in prisons, as incarcerated individuals are managed, supervised, handled, and ordered by correctional authorities and walled off from the rest of society.¹

The Gibson-Banks Center is attuned to—and appalled by—the grossly disproportionate impact of carceral institutions on Black Marylanders. It is now well known that 71 percent of

¹ See e.g., 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) (“Transparency and accountability are essential in prisons and jails where daily operations are overwhelmingly hidden from the public eye.”)

Maryland’s prison population is Black while only 31 percent of the state population is Black.² As a result, brutality in Maryland’s prisons is particularly harmful to Black people. Examples of such brutality are widespread and range from the acts of specific officers to institution-wide policies. Maryland correctional authorities have subjected incarcerated individuals to beatings and sexual violence.³ Incarcerated individuals have also been deprived of adequate healthcare and drug treatment services, as well as educational and vocational programming.⁴ Our incarcerated population is forced to live in deteriorating buildings with poor heating and air-conditioning systems, and rodent infestation.⁵ Through these conditions—and much more—Maryland’s overwhelmingly Black incarcerated population suffers racialized dehumanization.

Existing administrative remedy procedures are ineffective at producing changes that address the concerns and issues raised by incarcerated individuals as well as their family members. The process is run by correctional authorities, who often tend to shield their co-workers from accountability. Moreover, at various stages of the grievance filing process, incarcerated individuals are discouraged from continuing.⁶ SB 134 would provide a more objective, reliable, and reasonable channel to address incarcerated individuals’ complaints. Enabling the Correctional Ombudsman to receive and investigate complaints guards against stagnation, complacency, bias, and corruption in the administration of Maryland’s prisons and jails and invests each legitimate grievance with the possibility of meaningful redress.

The rights of incarcerated individuals have been key concerns of civil rights activism for many decades. Reformers have tied the struggle for racial justice in society at large to the struggle against racial abuse and degradation in prisons. From this perspective, incarcerated individuals who speak up against inhumanity are descendants of the civil rights movement. Their courage in protesting abusive and powerful authorities is in important ways comparable to the courage of Black people against the ravages of Jim Crow. By establishing a Correctional Ombudsman Unit in the Office of the Attorney General, SB 134 would accommodate such important demands for dignity and thereby further the cause of racial justice.

The benefits of the Correctional Ombudsman would not be limited to prisons and jails. How individuals are treated in prison impacts public safety. The lack of mental health, medical, and drug treatment services, and the lack of skills training have been linked to reentry challenges.⁷ By guiding prisons and jails toward needed reforms with rehabilitative effects, the Ombudsman

² JUSTICE POLICY INSTITUTE, *THE RIGHT INVESTMENT 2.0: HOW MARYLAND CAN CREATE SAFE AND HEALTHY COMMUNITIES* 4 (2024).

³ E.g., *Office of the Attorney General- Correctional Ombudsman: Hearing on S.B. 87 Before the S. Comm. on Judicial Proceedings*, 2023 Leg., 445th Sess. (Md. 2023) (written testimony of Donald Bovello) (“It is a common practice for correctional officers to beat inmates into compliance with what correctional officers want them to do . . .”). See also CBS Baltimore Staff, *Former Maryland Correctional Institution officer pleads guilty to sexual assaults*, CBS NEWS (June 20, 2023), <https://www.cbsnews.com/baltimore/news/former-maryland-correctional-institution-officer-pleads-guilty-to-sexual-assaults/>.

⁴ Ben Conarck, *A corrections ombudsman? Support building for bill that could reshape the Maryland prison system*, BALTIMORE BANNER (Nov. 27, 2023), <https://www.thebaltimorebanner.com/community/criminal-justice/maryland-correctional-ombudsman-legislation-6WERQ5DPD5G5NMJ7RBTWBMPCL/>.

⁵ *Id.*

⁶ Bovello, *supra* note 3.

⁷ Andrea C. Armstrong, *No Prisoner Left Behind? Enhancing Public Transparency of Penal Institutions*, 25 STAN. L. & POL’Y REV. 435, 442 (2014).

would advance safety and stability in communities more generally. In this way, non-incarcerated citizens, especially those in Black communities most impacted by the criminal legal system and incarceration, are implicated in the stakes of SB 134.

It is unconstitutional and unjust for prison authorities to violate the rights of incarcerated individuals. The State is obligated to not only protect incarcerated individuals but to ensure their dignity and humanity. SB 134 creates the infrastructure to help honor this obligation. For these reasons, we ask for a favorable report on SB 134.

This written testimony is submitted on behalf of the Gibson-Banks Center for Race and the Law 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.

BBrennan Additional Testimony for SB0134.pdf

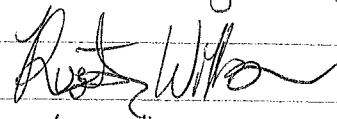
Uploaded by: Bridget Brennan

Position: FAV

To: Prof. Olinda Moyd
Maryland Alliance for Justice Reform

My name is Rusty Williams (SID: 5834488) an inmate incarcerated at the Jessup Correctional Institution (JCI). I'm writing to offer my support for the Correctional Ombudsman Bill. Thank you for sponsoring this piece of legislation.

Thank you and have a good day.


Rusty Williams

NOV/16/2023

Support ombudsman Bill

TO: the Maryland General Assembly, judicial
proceeding and judiciary committees

Good morning My name is Elizabeth Seignious
I am a Maryland Support and I'm in
support in favor of Bill
the correctional ombudsman Bill
lack of jobs, ARP's, rats, Help, Med, Cadman management
I really want to thank you in
advance for the sponsoring of this legislation
Have a wonderful blessed day.

Elizabeth Seignious #1964151
1964151 F-D 809
Elizabeth Seignious

To: To Maryland General Assembly
Proceeding and Judiciary Committees

Good morning my name is Jesse Corley. # 281 6636
I am a Maryland resident from Aberdeen.
I am writing to offer my full support
in favor of The Correctional Ombudsman
bill. I want to thank you in advance
for sponsoring of this legislation.

Not having an independent
oversight makes it hard to shed light
on the issues we have such as
receiving cold meals, broken cell windows,
ignored ARP's, lack of jobs, casemanagement
slacking, mold in the building, insect
infestation and ect.

I hope these letters shed some
light and attention on the poor
conditions and poor job the staff
here does. Some ownership has to
be taken at some point if they
are being held to a standard in
there profession.

Sincerely Yours

Jesse Corley Jr
Jesse Corley Jr

The Maryland General Assembly Judicial Proceeding and Judiciary
Committees

Good morning my name is Justin Fayette I am a Maryland resident That lives in Cecil County Maryland Im writing to offer my full support in Favor of The ombudsman Bill I feel Not having a Proceeding like this Causes for The Prison System in The State of Maryland to ignore legal Proceedings involving Things Such As "IAD" Interstate Agreement on Detainers to be filed on The Behalf of incarcerated Inmates to be done As well as Poor medical help and responcimes in human living condistions Such As Bug infestations, non working windows, Black mold, ect, it Also makes it to where The Process of getting into Schooling or work impossible The State of Maryland Needs A efficient Over Site Program in Place. Having a independent Over Site will resolve Alot of these issues By being Able to Show up unannounced to see The real Truth of condictions in The Prison System And resolve Them before They become more widespread Then They Are now. AS I end This letter Im Asking for a Favorable Vote in Support of This Correctional Ombudsman Bill Thank You For Your Time and Consideration involving My letter on this matter.

Sincerely

Justin Fayette #309 6509
Nov 16th, 2023

Charles Lee Nicol #324892

November 16/2023

Dear, Maryland General Assembly proceeding and Judiciary Committees, my name is Charles Lee Nicol I have been a Maryland resident all of my life of 60 years and I support the Correctional Ombudsman Bill.

Broken windows not being fixed medical not taking care of problems mold in showers lack of case management help which is zero dental been try to get 5 filling for 15 month now.

I believe if there is oversight these problems will be approached at a more ~~be~~ efficient way

I Am whole heartedly in favor of this Bill

your truly
Charles Lee Nicol
C Lee Nicol

Irwin Johnson #1807380

I am a Maryland resident. I support a favorable vote in support of the OMBUDSMAN Bill.
SB0134/HB0297

Some of the challenges that arise from not having independent oversight over correctional operations are, the food, the food we are served does not have an adequate amount of nutrition, which leads to medical conditions. Then when these medical conditions arise we are not being properly diagnosed by medical. Case management is a major concern. The case managers are not calling individuals up for their yearly reviews.

Independent oversight will hold officers, the medical staff, dietary officers, and case managers accountable for not doing their jobs.

Again I pray for a favorable vote in support of the Correctional Ombudsman Bill

Respectfully

BBrennan Testimony for SB0134.pdf

Uploaded by: Bridget Brennan

Position: FAV

Testimony for SB0134 from Bridget Brennan, Carroll County Resident

Senators:

I am writing to urge you to support SB0134 which would establish an Office for a Correctional Ombudsman in the State of Maryland.

Today, incarcerated persons in Maryland face daily acts of violence, unsafe food, lack of medical care or poor medical care, difficulty receiving correspondence, challenges connecting to families and attorneys, and barriers to accessing education or vocational programming. There are facilities with no air-conditioning, leaving incarcerated people and staff suffering 100+ degree heat. Incarcerated people with mental health issues, addiction, and severe health problems are left with poor or no access to needed health care.

"I have seen men die from conditions that were treatable". "Personally, spent weeks with a broken jaw because medical would not send me out for surgery," is one example from one person incarcerated in Maryland for over 30 years who worked in a prison medical unit.

"Since there is no outside accountability of these healthcare providers they do as they wish and we have no recourse to receive adequate care," from another person incarcerated in Maryland.

Reporting misconduct by staff or other incarcerated persons often results in retaliation. The Correctional Administration is often defensive and closed to any outside review. This leaves incarcerated people with little or no way to meet their basic needs and puts them at risk for great harm with no recourse.

A critical goal of incarceration is rehabilitation. 95% of people who are incarcerated in Maryland return to their communities. It is in Maryland's best interest that incarcerated people do

not return to their communities with greater trauma or greater disadvantages due to avoidable mistreatment or poor conditions within prison. Ensuring the safety of people in Maryland prisons—that they have healthy food and living conditions, access to medical care (including proper mental health care), family contact, legal help, and much needed education or vocational training—is just basic human decency. Day-to-day conditions for many incarcerated people in Maryland are inhuman and beyond unacceptable.

A Correctional Ombudsman can be effective in ensuring that there are safe and humane conditions for both incarcerated persons and staff. About 20 other states have established some form of independent monitoring and oversight for their prisons. It is time for Maryland to join these other states and ensure our correctional institutions are environments that allow for incarcerated people to have basic human needs and the resources and support needed to rebuild their lives.

In addition to my testimony, I am submitting the testimony for 6 incarcerated people of over 60+ testimonies provided to the Maryland Alliance of Justice Reform (MAJR) in support of this legislation.

Please vote to approve SB0134 to establish a Correctional Ombudsman's office in the State of Maryland.

Sincerely,

Bridget Brennan, Carroll County citizen, tech worker, volunteer for (MAJR), and aspiring Public Defender.

FAMM SB 134 SUPPORT.pdf

Uploaded by: celeste trusty

Position: FAV



Written Testimony of Celeste Trusty

Deputy Director of State Policy, FAMM

In Support of SB 134

Maryland Senate Judicial Proceedings Committee

February 7, 2024

I would like 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 134, a bill that would establish an Office of the Correctional Ombudsman to provide independent oversight of prisons in the Maryland Department of Public Safety and Correctional Services (DPSCS). The Office of the Correctional Ombudsman would have the power to inspect prisons, investigate complaints, and subpoena necessary documents or witnesses. The ombudsman would be advised by a Correctional Ombudsman Advisory Board, appointed by the Governor. **FAMM supports SB 134 and urges the committee to pass this crucial piece of legislation.**

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 concerns while their loved one is incarcerated are their safety, health, and rehabilitation. Unfortunately, we consistently hear from our members that Maryland's state prison facilities are unsafe, unsanitary, and lack sufficient medical and mental health care, staff, and rehabilitative programming. Additionally, 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. This is simply unacceptable and highlights the critical need for the type of independent prison oversight envisioned in SB 134.



1100 H Street NW, Suite 1000 • Washington, D.C. 20005



(202) 822-6700



www.famm.org

Families for Justice Reform

Americans across the political spectrum understand the inherent value of increased transparency and accountability in our nation's prisons: in a recent national poll, 82 percent of people agreed that state and federal prison systems should have independent oversight.¹ The same poll showed a majority of people do not believe that agencies are able to provide reasonable, reliable, and transparent oversight over themselves.² By creating an Office of the Correctional Ombudsman and Correctional Ombudsman Advisory Board, SB 134 would create the accountability and transparency that incarcerated people, their loved ones, corrections staff, and taxpayers need and deserve.

It is no secret that Maryland's prisons are overpopulated, and quite simply lack the capacity to properly care for and supervise a prison population of this size. There have been alarming stories out of Maryland's state correctional facilities in recent years that highlight the desperate need for the creation of an independent oversight body in the state. For DPSCS, an agency with a nearly \$1.6 billion dollar appropriation in fiscal year 2024, the establishment of an independent oversight body is long overdue.³ There must be accountability and transparency in any government agency, and DPSCS is certainly no exception.

Incarcerated people and their loved ones should be assured that our prisons are subject to independent oversight by a body that has complete, unrestricted access to inspect facilities (announced or unannounced), address grievances made by incarcerated people and staff, and investigate complaints, provide recommendations for improvements, and make its reports and findings available to the public and to lawmakers. The provisions included in SB 134 would go a long way in achieving these goals and help shine a much-needed light on what happens inside Maryland's prisons.

The ombudsman envisioned in SB 134 is similar to other fully independent prison oversight bodies that have been established in numerous other states.⁴ 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

¹ 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>.

² 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>.

³ FISCAL DIGEST OF THE STATE OF MARYLAND FOR THE FISCAL YEAR 2024

<https://dbm.maryland.gov/budget/FY2024FiscalDigest/FY24-Fiscal-Digest.pdf>

⁴ National Resource Center for Correctional Oversight, <https://prisonoversight.org/oversight-bodies/prison-oversight/>

announced in advance (giving officials time to hide or fix problems beforehand) and limited in scope.

The DPSCS's internal oversight efforts are commendable but lack the objectivity that only an independent investigation from an outsider can bring. Permanent, full-time independent prison oversight is needed in Maryland's prisons. Independent oversight can save lives, help address minor problems before they become larger system-wide issues, and go a long way to support corrections staff, incarcerated people, and their families in their daily concerns about health, safety, access to medical and mental health care and rehabilitative programming, lack of responsiveness to complaints, and myriad other issues. 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 the DPSCS's rules. Oversight encourages increased professionalism at every level of an agency.

Lawmakers also benefit from independent prison oversight. An independent 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. **FAMM supports SB 134 and urges the committee to pass this crucial piece of legislation.**

scan_danielle.williams1_2024-02-06-14-16-27.pdf

Uploaded by: Danielle Williams

Position: FAV

Judiciary Committee

HB02977/ SB0134

02/07/2024 @ 2:00

IN SUPPORT

I, Danielle Williams am a licensed clinical social worker in the state of Maryland and The District of Columbia. I am a resident of Owings Mills, Maryland (Baltimore County), and I volunteer with the Maryland Alliance for Justice Reform (MARJ).

As a licensed clinical social worker, I've had the pleasure of working with individuals within the correctional institution and observed first-hand the grievances and complaints that often go unheard, or circumstances in which there is no action. For this reason, I am in support of a Correctional Ombudsman.

Primarily, the biggest concern that I have observed is the lack of medical care/treatment. Many people in the correctional system are in need of medical care for surgery, X rays for fractures and broken bones, but often times appointments are missed, and routine medical care is denied. Research shows that for every year that someone spends in prison their life expectancy is cut by two years and Mass incarceration multiplies that impact on a societal level.

Secondly, an area of concern is the cost associated with medical care. People in prison are required to pay co-pays of \$2-4, to see medical even though some may not have jobs due to long wait lists and lengthy sentences which creates a barrier to seeking treatment. Some have to consider their options before even scheduling a medical appointment.

I have a sibling who is currently incarcerated in Western Correctional Institution (WCI). He had a scheduled appointment for surgery prior to incarceration. He has a torn ACL which requires surgery in order to properly heal. Left untreated, he will continue to limp until he is released and is able to seek proper medical care. He has repeatedly submitted requests to see the surgeon and has yet to receive a response. Subsequently, the lack of medical care often leads to secondary problems such as dependency to pain meds and other psychological problems.

The horrendous state of health care behind bars contributes enormously to a decline in overall health and life expectancy. Hence, A correctional ombudsman will offer inmates an outlet for complaints and grievances about prison conditions and treatment. Moreover, a correctional ombudsman will ensure that policy and procedures are executed for every incarcerated individual. I sincerely ask that you consider this unfortunate circumstances and vote in favor of the bill.

Sincerely,
Danielle Williams, LCSW-C
Maryland Alliance For Justice Reform
Daniellewilliams.lcswc@gmail.com

Judiciary Committee

HB02977/ SB0134

02/07/2024 @ 2:00

IN SUPPORT

I, Danielle Williams am a licensed clinical social worker in the state of Maryland and The District of Columbia. I am a resident of Owings Mills, Maryland (Baltimore County), and I volunteer with the Maryland Alliance for Justice Reform (MARJ).

As a licensed clinical social worker, I've had the pleasure of working with individuals within the correctional institution and observed first-hand the grievances and complaints that often go unheard, or circumstances in which there is no action. For this reason, I am in support of a Correctional Ombudsman.

Primarily, the biggest concern that I have observed is the lack of medical care/treatment. Many people in the correctional system are in need of medical care for surgery, X rays for fractures and broken bones, but often times appointments are missed, and routine medical care is denied. Research shows that for every year that someone spends in prison their life expectancy is cut by two years and Mass incarceration multiplies that impact on a societal level.

Secondly, an area of concern is the cost associated with medical care. People in prison are required to pay co-pays of \$2-4, to see medical even though some may not have jobs due to long wait lists and lengthy sentences which creates a barrier to seeking treatment. Some have to consider their options before even scheduling a medical appointment.

I have a sibling who is currently incarcerated in Western Correctional Institution (WCI). He had a scheduled appointment for surgery prior to incarceration. He has a torn ACL which requires surgery in order to properly heal. Left untreated, he will continue to limp until he is released and is able to seek proper medical care. He has repeatedly submitted requests to see the surgeon and has yet to receive a response. Subsequently, the lack of medical care often leads to secondary problems such as dependency to pain meds and other psychological problems.

The horrendous state of health care behind bars contributes enormously to a decline in overall health and life expectancy. Hence, A correctional ombudsman will offer inmates an outlet for complaints and grievances about prison conditions and treatment. Moreover, a correctional ombudsman will ensure that policy and procedures are executed for every incarcerated individual. I sincerely ask that you consider this unfortunate circumstances and vote in favor of the bill.

Sincerely,
Danielle Williams, LCSW-C
Maryland Alliance For Justice Reform
Daniellewilliams.lcswc@gmail.com

Harlow Brian Saib
166873 J.C.I.
P.O. Box 534
Jessup, MD 20794
Nov 11th 2023

Re: Ombudsman Bill SB0134/HB0297

My name is Harlow Brian Saib and I have been incarcerated for 42 yrs. in the Maryland prison system DPSCS. Over the 42 years I have done everything possible to reform my past behavior that caused my incarceration. G.E.D, graduated from Coppin State College (now) University, not to mention the hundreds of programs that I have completed. A/P, Smart Program, NA/AA, etc. Drug abuse was the root of my criminal behaviour.

My institutional record excellent! The DPSCS is broken in so many ways and is in need of an Ombudsman for the Maryland prison system. The inmate Grievance Procedure is a joke because other prison staff sides with their staff and not the inmates which causes most complaints to be outright denied.

I believe that an independent Ombudsman would go along way to correct many of the issues that negatively affect Maryland prisoners especially concerning Medical treatment. I have been seen by two different doctors by two different hospitals, Mercy & John Hopkins and they both recommended me for a right hip replacement which has been denied constantly for six years. I ask that this bill be passed into law ASAP!

Sincerely,
Harlow B. Sauls

November 7, 2023

SB0134/HB0297

To Whom It May Concern,

My name is Janet Johnson. I am currently incarcerated at Maryland's Correctional Institution for Women (MCIW). My family and I are lifelong Maryland residents who believe that every voice and vote matters. I am writing you in reference to the Ombudsman Bill. As an incarcerated individual, I can attest to the importance of passing the Ombudsman Bill and the impact it will have on Maryland's incarcerated individuals. The Ombudsman Bill will provide a much needed oversight to the application of DPSCS' own rules and regulations as mandated by law.

I have been incarcerated for nearly two decades. I have witnessed the deterioration of resources and humane policy practices within this facility. My main focus today is the medical department. For instance, there is no geriatric preventative care. The geriatric population of MCIW is the most vulnerable population, and is often neglected or ignored. According to Maryland's DPSCS Inmate Characteristics Reports for July 2022, there are 24 incarcerated individuals over the age of 60 within MCIW. Several of these individual were diagnosed with osteoporosis. Osteoporosis is a disorder in which the bones become increasingly porous, brittle and subject to fracture, owing to loss of calcium and other mineral components (Webster's). While osteoporosis is not a curable disorder, osteoporosis is preventable. There are three incarcerated geriatric individuals housed on my tier that were recently diagnosed with osteoporosis. I have witnessed these ladies complain, for up to three years prior to their diagnosis, of symptoms that precludes osteoporosis. Simple geriatric care could have prevented them from developing this disorder. Our geriatric population also develops other disorders such as sciatica, degenerative bone disease, cataracts, etc. Basic geriatric preventative care can save our geriatric population from dying of pneumonia, another pandemic, or even the common cold.

Another area of the medical department that would benefit from the Ombudsman Bill is the scheduling of appointments and/or referrals. It is very difficult to get a referral to see a specialist. As it currently stands, incarcerated individuals who are experiencing a health illness for a prolonged period of time are recommended to try any and all alternative treatments recommended by MCIW's health care providers (Nurse Practitioners) prior to getting a second opinion someone outside of the institution. While this is financially feasible due to the population size of the institution, there should be a time frame in which the use of alternative treatment should be discontinued and a specialist contacted. We have seen members of our population die due to this process. For example, there is the case of Barbara Hampton. For years, Barbara complained of stomach pain, digestive issues, pelvic pain, fever and bleeding. The medical department was adamant about alternative treatments for issues of constipation and delayed referring Barbara to a specialist. Our Warden the time, Margaret Chippendale, had to personally escort Barbara to medical and insist that Barbara be transported to the emergency room. It was during this time that Barbara was diagnosed with stage 4 cancer. Barbara's health quickly declined, resulting in her death. Barbara's diagnosis was unfathomable. She knew

something was wrong with her body, yet the medical department prolonged treatment by refusing to refer her to a specialist.

In addition to Barbara's delay in receiving a referral, I have my own experience of inadequate care. I was diagnosed with uterine fibroids. Unfortunately, my fibroids grew so large that it was obstructing my colon and bladder. Medical insisted on trying various alternative treatments for constipation as opposed to sending me to the hospital. I experienced debilitating pain that prevented me from going to work, school and participating in institutional activities. I was fortunate enough to get assistance from former Warden Chippendale, who overrode medical and sent me to the emergency room. I was admitted and had to undergo emergency surgery. I was recommended, by the surgeon, to see a gasterologist ASAP. This was in March of 2020. I had documentation of the recommendation when I returned to the institution. However, it took me three years and several Administrative Remedies before I was allowed to see a gasterologist. I won my Administrative Remedy to gain permission for a consultation with a gasterologist in September of 2022, I did not go for my consultation until June of this year (2023). I have to have a colonoscopy and an endoscopy, but my appointment is not until sometime in 2024. That is outrageous. I fear for my life. I became incarcerated when I was 18 and I am only 36. My Judge afforded me the opportunity of a second chance by giving parole on my sentence. I am afraid that I will not see my opportunity at freedom due to the lack of medical care within this institution. We no longer have an administration that will intervene on our behalf as our previous administrations have done. We are not getting response to our Administrative Remedies about our medical care.

The Ombudsman Bill will ensure that we are treated within our rights. I hope that you consider passing this bill. I understand that as incarcerated people, we have to take responsibility for our transgressions. We are still human beings who deserve to be treated humanely and not just warehoused. I thank you in advance for your time and consideration.

Respectfully,

Janet Johnson #923-246 / # 2958232
7943 Brockbridge Road
Jessup, Maryland 20794

From: James Davis #185002

ISSUES EFFECTING ADMINISTRATIVE REMEDY PROCEDURE

* MEDICAL: DCD 185-002 permits medical complaints, yet when the ARP reaches I.G.O., they cite Corr. Services Manual to hold the IGO has no jurisdiction, because the medical dept. is not a State employee. (C.S. Title 10)

ANSWER: Contrary to ADAMSON V. C.M.S. and C.S. Title 10, in WILSON V. SEITER, the federal court defined "conditions of confinement" including food, water, exercise and medical treatment. The State contracted the medical provider, and can tell the medical entity that it is not complying with the contract;

2. INVESTIGATION OF ARP CLAIMS : THE ARP process is not in compliance because:

(a)- Grievances are investigated by non-neutral parties, some of which are the person being complained about, or the person complained about actually answers the complaint;

(b) The "Investigation" of an ARP usually omits any interview of the Grievant, or witnesses the grievant indicates has knowledge helpful to the case.

3. DIETARY : The following issues exist here;

(a) Regarding Dietary and other complaints, informal complaints are rarely processed or responded to;

(b) Dietary stopped serving coffee after COVID restrictions, because dietary staff claim they couldn't get it to the unit for breakfast. With a brand new Coffee machine (very expensive) it stays wrapped up like a Christmas present (WEST COMPOUND)

(c) Dietary staff do not control the excessive amounts of salt being placed on several dietary items

(d) no access to supervisor (CAPT.)

4. FINANCE

— (a) Money takes weeks to be taken out the account (going to home or catalog)

(b) Vouchers sent to people instead of money order; 3-4 times in a row

5. CASE MANAGEMENT

- The ARP system requires case management decisions can only be attacked through IGO, which will take 6-12 months for a hearing, and 2-4 months for a decision (lose 2 mo.// win, 3 months, law judge at least 30 days for Sec'y, DPSCS)
- Case management do not respond to requests at all, in timely fashion
- IPs have to go to other counselors
- mistakes cannot be included in ARP
- Institutional Progress Reports are to be given out once a year but all counselors do not provide them or are lethargic in doing so;
- If transferred from another pre-release,, if I have already completed prerequisites (in-house assignment etc (at another facility), I should not have to complete it again
- case management specialists have no contacts in the commitment office, do not issue Diminution sheets, and in urgent situations dealing with outside counsel, i.e. court, etc. counselors refuse to help

6.* RAISE OF INSTITUTIONAL WAGES

The cost of living has increased exponentially, yet efforts to obtain a pay increase across the board. The last raise over 10 years ago

7. WI-FI PROBLEMS: You cannot complaint about wi-Fi not working properly, through ARP. For the money W-Fi should work, not stop and pause for extensive delaps through commercials. When wi-fi was left on 24 hours is when movies will stop for long periods. C.S. §10-206. Complaints ~~can only be filed against State employees. The correct~~ section is C.S. (Corr. Services, §10-206(a))

8. MAIL- photos and mail takes forever to get in

9. NO COPY MACHINE TO COPY LEGAL PAPERS: Library rarely open and copy machine broke

10. NOTARY SERVICE AVAILABLE ABOUT ONCE EACH 5-6 WEEKS

11. NO INST. PAROLE AGENT TO COMMUNICATE WITH PAROLE OVER PAROLE ISSUES

Support

Uploaded by: Davida Bradford

Position: FAV

February 6, 2023

To whom it may concern:

My name Davida Bradford. I am in support of SB 0134 Correctional Ombudsman. I am a victim of abuse from prison guards at a correctional facility. I went to see my husband at North Branch Correctional Institution in Cumberland Maryland. As a civilian, I was physically assaulted by 2 guards with no fault to my own. The other guards stood and laughed among themselves. I can only imagine how the inmates are being treated. I wrote to the warden but I received no response. I never got an apology or anything. If visitors are not safe then it probably safe to say that neither are the inmates. Despite the fact that they are there for punishment, it does not mean that they should not be safe and protected. It is bad enough that the inmates need protection from gangs, now protection is needed from the staff. This bill needs to be in place to protect the inmates and visitors. I am offering assistance to help facilitated the passing of this bill.

Davida Bradford RN, BSN

vidaford@yahoo.com

4433751778

2024 Legislature.pdf

Uploaded by: Donald Bovello

Position: FAV

Donald J. Bovello
7493 E. Furnace Brance Road
Apt. F
Glen Burnie, Maryland 21060

February 2024

The Maryland General Assembly
Senate Judicial Committee
100 State Circle
Annapolis, Maryland

Re: Correctional Ombuds Bill, SB 0134

Greetings,

I pray that this testimony finds you well. My name is Donald Bovello and I am a former Juvenile Lifer who served over 35 years of a life plus 20 year sentence in Maryland Prisons. During that time I saw and experienced many things which worked well, and many things which did not. Unfortunately, throughout the latter part of my incarceration, I personally witnessed the decline of “corrections” into a place where incarcerated persons experience abuses that were physical, mental, verbal, and some of indifference or pure disdain for persons convicted of crimes. There is a belief amongst some correctional officers that they themselves are the punishment for the inmates, not the actual act of being in prison and the loss of rights and freedom. It is because corrections has gone unchecked that some individuals employed to work in Maryland prisons have devolved into committing acts of evil against other human beings.

“Evil unchecked grows, evil tolerated poisons the whole system.” - Jawaharlal Nehru

Things which occur inside of Maryland prisons which require oversight:

- Verbal and physical abuse of handcuffed inmates (including the mentally ill) by Correctional Officers.
- Verbal abuse and degradation of inmates as a tool of control by Correctional Officers.
- Denial nor delay of basic privileges, rights and services to inmates by Correctional employees as a tool of control.
- Indifference of Correctional employees to unsanitary/unhealthy inmate living conditions.
- Failure of Correctional employees to provide adequate basic necessities for inmate clothing and hygiene.

- Indifference to medical issues experienced by inmates, often dismissed as a minor issue or “attention getting”, to learn later that a serious medical condition existed.
- Housing inmates together who have expressed a need to separate - often leading to fights, stabbings and murder of a cell mate.
- Destruction of inmate property during cell searches.
- Removal of programs and services which contribute to rehabilitation.
- Use of “tier concept” as a broad stroke band-aid to deal with negative inmate behavior versus punishment of those responsible.
- Lack of positive/motivational direction to encourage positive behavior.

Oversight is a threat to what has been the status quo for decades. I personally attempted, via the appropriate correctional employee’s, to solicit legislators to visit the prison to see and experience a workshop with the “Alternatives to Violence Project” (AVP), and for the legal workshop group to discuss the Maryland Legislative process and was told that the prison administration did not want legislators unchecked within the prison as inmates may disclose the issues I have listed above, or for fear that on any given day, when unprepared, legislators may enter a prison to experience the filth and smells that are normal. (Prior to any delegation entering a prison, a massive cleaning and painting effort is undertaken to change the conditions and smells) It is also worthy to note that if any visitors to a prison are taken to speak with inmates, those inmates are “cherry picked” and “encouraged” by correctional officers to “put on a good face”.

Marylanders have the right as taxpayers to know what is going on inside of Maryland prisons, and legislators have the right to know that the laws they have passed are being followed by everyone, including Correctional officers.

It is because of the injustice and illegal acts occurring within Maryland prisons that oversight is necessary.

And I close with this. When correctional employees model integrity, justice, professionalism, compassion, communication, and respect, incarcerated persons have a positive example to follow. This is not a remedy for all of the problems experienced in Maryland prisons, but it is a good start to turning towards a new chapter where Maryland prisons are safer, experience less issues with contraband smuggling, and the recidivism is lowered.

Thank you for your time in reading my testimony in favor of SB 0134 and for your consideration in favor Correctional Ombuds SB 0134.

Respectfully,

Correctional Ombudsman SB0134.pdf

Uploaded by: Dr. Carmen Johnson

Position: FAV

HELPING OURSELVES TO TRANSFORM

EDUCATING AND PROMOTING
MASS LIBERATION

1250 Connecticut Avenue suite 700 Washington, DC 20036
14625 Baltimore Avenue #204 Laurel, MD 20707

Favorable for SB0134 and HB0297

Dear President Senator Will Smith and Members of the Judicial Committee,

At Helping Ourselves to Transform (HOTT), our commitment to social justice and civic engagement drives us to address and rectify systemic inequalities and injustices across critical areas including race, gender, income, religion, education, and environmental concerns. Our goal is to forge a society that upholds equity for all its members.

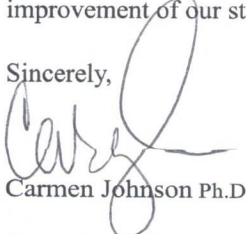
In alignment with our mission, we wholeheartedly endorse **SB0134/**HB0297, the "Correctional Ombudsman Bill." The current state of Maryland's prisons—marked by unsanitary conditions, peril, and insufficient access to medical and mental health care—demands urgent reform. The rampant abuse and the consequent fatalities and retaliatory actions within these facilities highlight the critical need for this legislation.

The establishment of an independent Correctional Ombudsman is imperative. This bill represents a pivotal step towards transparency and accountability in the management of correctional facilities outside the jurisdiction of the Department of Public Safety and Correctional Services (DPSCS). It aims to safeguard the well-being of both staff and inmates by advocating for safer, more effectively managed institutions. By emphasizing the reduction of deaths, injuries, and grievances, and by striving for improved healthcare and legal compliance, the Ombudsman will play a crucial role in enhancing the quality of correctional facilities.

The envisioned Ombudsman office will not only monitor and report on systemic issues but also ensure that annual findings are communicated to the Governor and the General Assembly. This role is vital in fostering an environment that honors the rights of all individuals within the correctional system, including incarcerated individuals, their families, volunteers, and staff. Through the lens of transparency and accountability, we anticipate the development of more humane and rehabilitative conditions within Maryland's prisons.

We urge the senate and house of delegates to pass this transformative bill, thereby committing to the improvement of our state's correctional facilities and the lives of those within them.

Sincerely,



Carmen Johnson Ph.D

Founder of Helping Ourselves to Transform

202-674-6300

For the Support of the Correctional Ombudsman Bill
Guidance for Written Testimony (2024 Legislative Session)
IN FAVOR – Correctional Ombudsman Bill # SB0134/HB0297

Name: Kevin D. Fletcher, CPRS, Coordinator # 2473004
JCI PO BOX 534
Jessup, Maryland 20794
Date: January 2024

To all invested parties:

My name is Kevin D. Fletcher, I am a Maryland resident, born and raised. I am a criminal justice reform advocate, committed to civic engagement. I am conscious of the upcoming legislation initiatives and I work to bring equity behind the prison walls. I have family and friends in Maryland and we want to support people who protect our interests. I support a favorable vote on this bill. I have served 20 years as a juvenile lifer. My lived experienced with the atrocities and neglect of the returning citizen population serve as an opportunity for change.

Without independent oversight, the systematic oppression continues. Millions of dollars are annually allocated to Public Safety, however services are not provided. There is no accountability to measure the State money spent, against successful reentry preparation. If we continue the status quo, are we complicit in manufacturing criminals?

One of the biggest challenges we face without independent oversight in correctional operations is the lack of accountability to the law, which denies an oppressed community resources. Specifically, the State has contractors, a budget, and polices that are not implemented. Money is allocated for programs that aren't being ran. Maintenance issues are health hazards that are covered up and dismissed through the ARP process.

If money is allocated to provide services to the incarcerated community, then funds are being misappropriated when we are denied those services. Mold, mildew, leaking ceilings, broken windows, unclean ventilation vents, rodent infestation. Medical care, mental health, and substance abuse services are not up to statute. These are the biggest contracts in Public Safety.

There are many incidents of unprofessional staff conduct/communication towards our families, both in person and on the phone. I currently watch the non-English speaking community denied medical treatment and an interpreter due to lazy staffing. Independent oversight will save money, by tracking where money is utilized. Also, remove leadership who allow these systemic errors to exist. Independent oversight also, created a more functional business, a well oiled machine, form a 3rd party ,not working to protect the system as it is, but to become compliant with the law. Independent oversight will created a more effective public safety correctional system.

I am asking for a FAVORABLE VOTE in support of the Correctional Ombudsman Bill.

Thank you,



Kevin D. Fletcher

The Maryland Alliance for Justice Reform

To the Maryland General Assembly Proceedings and Judiciary Committee

Date: November 9, 2023

From: Hakim Jordan-EI

In favor- Correctional Ombudsman Bill# SB0134 / HB0297

To whom it may concern:

I am writing in reference to the above bill that honestly I feel this bill is a change maker for Maryland. As of this year, I will have over 18 years in day for day in the Correctional system. I have experience things go from bad to worst from one facility to another just dealing with mental and physical health care.

Growing up with lead paint poison as well as mental illness my live experience allows me to identify and emphasize with those that are going through what I have went through by seeking help from those that I felt had the skill set to aid me and perhaps heal me but would or far better words couldn't.

I feel as is those that was in charge of that part of the medical field was held accountable it would show an great improvement with Maryland prison system as well as those that are returning back in our community because I would help those that really want that help to stop medicating themselves.

Thank you,

Hakim Jordan-EI #2653082


J.C.K. Box

Jessup, Maryland 20794

Rahmon Jaquan Felder #4503526

Jessup Correctional Institution

P.O. Box 534

Jessup, MD 20794

To: The Maryland General Assembly Judicial Proceedings and Judiciary Committees.

I AM RAHMON JAQUAN FELDER, I AM CURRENTLY A RESIDENT OF BALTIMORE COUNTY, MARYLAND. I'VE HAD OVER FIVE YEARS OF EXPERIENCE IN THE MARYLAND CORRECTIONAL SYSTEM; I AM IN FAVOR OF THE CORRECTIONAL OMBUDSMAN BILL #

I PERSONALLY BELIEVE OVERSIGHT WILL BENEFIT ALL PARTIES INVOLVED. INDEPENDENT OVERSIGHT WOULD BE THE BEST TYPE OF OVERSIGHT, WE WOULD HAVE A GREATER CHANCE AT HAVING AN UNBIAS INSPECTION, AS WELL AS ACCOUNTABILITY.

THERE ARE SOME MAJOR ISSUES WITH THE RESOURCES AVAILABLE TO THE INCARCERATED COMMUNITY, THE CONDITION OF THE FACILITY/FACILITIES, AS WELL AS MISTREATMENT BY STAFF ETC.

I AM IN FAVOR OF THE CORRECTIONAL OMBUDSMAN BILL # SBO134/HBO297

James Wood #1160506
JCI PO Box 534
Jessup, Maryland 20794

November 8, 2023

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR – CORRECTIONAL OMBUDSMAN BILL# SB0134 | HB0297

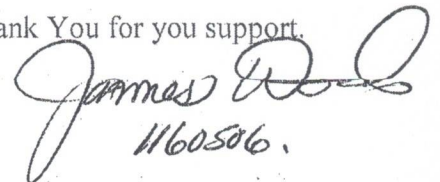
My name is James Wood 1160506, I am currently incarcerated in the Jessup Correctional Institution, serving a life w/o parole sentence for the last 29 years. I am writing in support of the Correctional Ombudsman Bill.

By not having an agency with direct oversight of the Correctional institutions in Maryland great travesty have happen on a perpetual scale. Men and women have beaten by staff and residence without any consequence. Men have been left to die in cells because officers lacked the professionalism and downright human decency to help their fellow man. Men and women, not animals, have been left in cells with no human contact for years. Facilities have falsified reports about services they're providing that are needed for an offender to make parole. Parole Commissioner are denying offenders parole telling them to complete particular programs that DPSCS does not provide. And yet it is purported that "we" are trying to reduce recidivism rates.

If there were an independent oversight of all the above mentioned, the offender would have a voice, someone who could hold accountable those who are paid by the state of Maryland ensure the safety of it's citizens by decreasing the chances of re-offending.

I as a incarcerated citizen of Maryland I am asking for a favorable vote on the Correctional Ombudsman Bill.

Thank You for you support.


1160506.

Randall Martin #274704

274704

P.O. Box 534

Jessup, Maryland

[21794]

SB0134/HB0297

To the Maryland General Assembly Judicial Proceedings
& Judiciary Committees:

I'm writing in support of the Ombudsman bill scheduled for legislation this coming year. I'm a Baltimore County incarcerated citizen from the 21208 zip code.

Having a Correctional Ombudsman would cure many of the ignored and inhumane issues that have become so commonplace, that incarcerated men & women have sadly become too accustomed to. Maryland's incarcerated citizens have suffered and dealt with too long issues of:

- * Fractured ARP processes
- * Less than adequate medical treatment and responses
- * Freezing cold dining rooms, where food is served far below temperature
- * Rec. Halls & housing units littered with mold
- * Family days that are not designed and organized to support family wellness
- * Zero de-escalation training (or used) from staff
- * Ignored obvious evidences of illegal substance use
(Just to list a few)

Just as the institution paints and cleans ahead of a visit from the public, a Correctional Ombudsman would be the surprise visiting public that will keep Maryland prisons clean, focused on regulations, rules and doing the right and correct procedures.

Please support the Ombudsman Bill!

Sincerely,
R. Martin

From: Tairahaan Mallard #4151774

Jessup Correctional Institution, 7800 House of Correctional Road, Jessup MD. 20794

Date: November 07, 2023

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR – correctional Ombudsman Bill # SB0134/HB0297

I am a Maryland resident through the Interstate Compact. I was transferred here from the New Jersey State Prison approximately in November, 2014. I transferred here because my daughter was born in the state of Maryland in December, 2000. When her mother passed away in 2010, I felt it necessary to transfer here in order to be closer to her. I support a favorable vote in support of the bill.

Some of the challenges that I see arise from not having independent oversight over the correctional operations are lack of responsibility, lack of accountability, lack of professionalism, and lack of civility. In all areas of the correctional institution, medical, facility operations, ARP/IGP process, and correctional officers themselves.

- **Lack of Responsibility** - The overall culture in this institution is that there is no one to turn to resolve a problem or assist in finding a solution. This is evident pertaining to the "Chain of Command" process. The shift officer does not want to deal with the situation, so you go to a sergeant, then a lieutenant, then so and so forth. Additionally, those rare occasions where you may actually receive assistance from someone in authority, the subordinate officer "disregards" whatever the ranking officer has determined. This has created a culture of "Who's in Charge" of the situation, often times, resulting in no solution to the original problem.
- **Lack of Accountability** – The overall culture, when it pertains to the correctional staff inside of this institution, is that of "Tribalism." It is well aware that most of the correctional staff in this region is of African descent. The correctional staff is divided into the tribes they are from in their homeland. So, if you have a sergeant from one tribe trying to enforce institutional policies over officers of another tribe, insubordination occurs. Often times, resulting in unfavorable conditions for the incarcerated residents inside of the institution. This type of behavior also has created a culture of the correctional staff believing that they do not have to answer to anybody, allowing them to operate as they wish with impunity. It is imperative to have independent oversight over the correctional operations in order to hold the entire correctional staff "accountable" when it comes to their duties and responsibilities.

- **Lack of Professionalism** – The correctional staff inside of these institutions have adopted a “disrespectful discourse” when it pertains to communication. Professional Training has no place here. The correctional staff speak to the incarcerated population the same way that some of the incarcerated population speaks to them, in disrespectful connotations, colorful language, and an overall disregard for conflict resolution.
- **Lack of Civility** – There is disconnect between the correctional staff and the incarcerated population. The lack of “civility” on behalf of the correctional staff is paramount in bridging the gap. Their ability to separate their personal views, beliefs, and cultural competence has created a barrier of unfortunate misunderstandings, often times, resulting in misguided solutions and insufficient resolutions. The lack of civility by the correctional staff is additionally experienced by the loved ones of the incarcerated population. I refuse to have my family come and visit me because I don’t want them to be subjugated to the harsh mistreatment displayed by the officers.

Independent oversight will resolve these issues or bring them to light before they could become wide-spread issues by restoring accountability. The correctional staff know that as long as everything is handled “in-house,” they are free to operate with impunity. I believe that the idea of knowing that there will be “outside oversight that is not only fair and impartial, but also going to hold them accountable for their actions” will be a major shift in the overall functioning of the correctional operations.

I am asking for a FAVORABLE VOTE in support of the Correctional Ombudsman Bill.

Thank you for your time and consideration in this matter. I am looking forward to your response.

Respectfully Submitted,

T. Mallard #4151774

Tairahaan Mallard, #4151774

2024.02.06 SB 134 FAV Impacted Individuals.pdf

Uploaded by: E. Flannery Gallagher

Position: FAV



TESTIMONY IN SUPPORT OF SB 134

TO: Members of the Senate Judicial Proceedings Committee
FROM: Center for Criminal Justice Reform, University of Baltimore School of Law
DATE: February 6, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address harm and inequity in the criminal legal system. The Center submits this testimony in support of Senate Bill 134 on behalf of impacted individuals.

To: Ms. Olinda Moyd
P.O. Box 1482
Bowie, Maryland 20717

12/18/23

From: Kevin M. Briscoe #173493/401893
P.O. Box 549 (MCI-J)
Jessup, Maryland 20794

Re: Favorable Vote Concerning Correctional Ombudsman Bill SB0134/HB0297

Ms. Olinda Moyd,

My being an incarcerated citizen for the last 30+ years gives me a clear understanding as to why there needs to be an oversight committee. The insight I can provide is first hand and may prove valuable in some of the choices made.

I am in strong favor of this bill for the below stated reasons;


- ARP Process – The only means of being somewhat heard if you have a grievance or complaint against staff. The process has no teeth and depending upon your complaint it's weaponized, the only way to confront issues, is to have DCD's or Comar. Those two outlets are all out dated as to any changes made, so when you file it makes the argument mute. Systematic Retaliation (transfers and blacklisted from certain jobs) Using transfer as a means to separate you from camera footage and witnesses that would assist you with proving the case.
- Medical – Standard care is far below any required standard set by state law (most do not even know how to address matters of health) Write an Arp it's dismissed due to the company being an outside entity. Doctors refuse to honor outside doctors request, leaving you to get worse. Misdiagnosis : You'll often hear there is nothing wrong with you, unless bleeding or fallen out. Example: Prostate often leads to Cancer, instead of eliminating the issue they rather wait until your stage (4) and can no longer be assisted. (it's cost effective to allow a person to die)
- Housing – Every institution I have been sent to has an infestation of mice, bugs and roaches. When you complain they spray outside the cell which defeats the purpose because the pest run into the cells.
- Via Path – Another outside entity that is allowed take our tablet without any justification and that means take our money at the same time, with no recourse to resolve the issue.

- Substance Abuse – Every institution in Maryland has the same problems, no oversight so you hear nothing about it, but it's ugly.
- Commissary – Another outside entity the state collects 8 Million per year, but won't adhere to the policies (Wellness Policy) that are there to protect us to a small degree. Commissary refuses to sell items conducive to older persons trying to maintain their health, bottom line it's profit not health that matters.
- Programing – Community Safety is the goal however, what that looks like from my point of view is that's just window dressing. You send a person to prison for many personal issues, maladaptive behavior, trauma and more. Remove them from society so they can't harm anyone now what happens when released? When you've not help them to redevelop their thought process. The misplaced anger that keeps the person on the defensive is sent back to society as broken as the day they went to prison. (hurt people hurt people) Book education is great more possibilities it doesn't deal with core issues. A few pretty good programs that kick start a person new development like: Youth Challenge, Smart Recovery, Peer Recovery and Alternative to Violence, these programs being successful are based upon how the institution is run and the facilitator's work ethics. As I mentioned none of these programs get to the root cause of personal inner challenges, the dangerous unstable thought process remains.

All it takes is a person's past hurt to bring those fearful thoughts to the surface, as it causes them to revert back to the mindset they know. So what's happening is the cost outweighs the benefit. So more undeserving people get hurt, until perspectives change about the other key assistance that is needed for real and complete redevelopment, this cycle continues.

So much more to express however must keep it short.

As a citizen of the State of Maryland, I am in favor of the Correctional Ombudsman Bill .
Thank you for taking time to read this note. (Too much more to continue)

Respectfully Submitted,

Kevin Briscoe

12-7-2023

To the Maryland General assembly judicial Proceeding and Judiciary Comm.

I am in favor of the correctional Ombudeman Bill# SB 0134/HB 0297

I am a inmate now at M.C.I.-J, I spent close to 24 years at R.C.I., but still have 10 Years to Serve. I am now 59 Years old.

The reason I truly support this bill is because of how the medical insurance company gets away with stopping of most surgery that are needed. Here is my story and please know I am willing to sign off on releasing my medical file so you can see I am telling the truth.

This will be short but to the point. I need to get both shoulders replaced. R.C.I. put me in for surgery a few times over the course of 9 years. It was approval just as the pandemic^{hit}, so I put it off as I was told to do. Once the pandemic was over I now put in for the surgery again and again but was shot down. I have had a few MRI'S and the results revealed I need the surgery, however yes care shut me down!

For over 4 years now, I have been trying to get A ~~CATERACT~~ removed out of my right eye. I have been put in for surgery at least 10 times. I am blind in my eye, I have enclosed a copy of my last eye examine, and ~~AS~~ you can read, it points out it put me in for surgery many Times but never approved. Once again Yes Care saying no . The reason they gave is I can see very good out of the left eye and no need for surgery for the right eye. This is part of my medical File, yes they really put this in writing. This is why I will sign over all my medical file. The eye doctor at John Hopkins put me in for surgery 15 to 16 month's ago. Being able to see well out of (1) eye should not be the factor of getting the other eye fixed, but Yes Care thinks it ~~SHOVID~~.

Please understand this type of treatment is what they give to 90 % of all inmates. They do not care how much pain a person is in on how they are blind, or deaf. If a person needs 2 hearing aids they will ask what ear do you want to hear out of and give them one. There is no one to contact to hold Yes Care accountable. They do not have any one to take up for us when we need help.

If there is some type of over sight that can be set up it would stop most of the NON treatment that YES CARE gives us. To put someone in power to make them do what is needed or what the law requires would be a GOD sent ^{to} me, yes I pray you put something in place to stop this.

Steven B. Jackson 286140-0392804
MCIJ
P.O. Box 549
Jessup, MD 20794-0549

Sincerely
Steven B Jackson



Department of Public Safety and Correctional Services
Optometry Initial Eye Examination Form

286140

Chief Complaint: decreased vision at distance ODS OS

Date: 11-17-22 Age: _____ Sex: M Race: _____ Seg: _____ P.D. 62

HISTORY: patient was cleared for cataract surgery multiple times by ophthalmologist for right eye but has not been scheduled for

• Symptoms / onset	<input type="checkbox"/>	Retinal Picture	Yes / No	<u>surgery</u>
• Location	<input type="checkbox"/>	D.M.	I <input type="checkbox"/> II <input type="checkbox"/>	
• Quality / Severity	<input type="checkbox"/>	Glaucoma		
• Duration / Timing	<input type="checkbox"/>	HTN		
• Context / Modifiers	<input type="checkbox"/>	HIV / AIDS		<input type="checkbox"/> Cholesterol

VA 20/

Old Rx OD +2.50
OS +1.00 -1.00 X 80

Externals / Other

Hx of cataract removal in left eye

-Dense cataract in right eye

IOP @	OD _____
NCT	OS _____
GOLDMANN/Tonopen	OS _____

Subjective

OD Balance
OS +0.75 -1.00 X 80

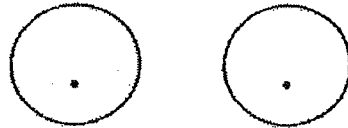
VA 20/40M

Pupils wll Mood / Orientation wll
EOMS ↓ Cover / CVF ↓
Dilation @ _____
0.5% Tropicamide
1% Tropicamide
2.5% Phenylephrine

Final Rx

OD +0.75 (balance)
OS +0.75 -1.00 X 80
SLE: OD

ADD
OD +2.50
OS +2.50



wll Angels wll
Lashes
Lids
Conjunctiva
Cornea
A/C
Iris
Lens blurred
4NS

C/D cup vessels macula

OD	<u>Poor view due to cataract</u>		
OS	<u>0.3/0.3</u>	<u>wll</u>	<u>wll</u>

Assessment: (1) Nuclear cataract - OD

(2) Presbyopia

Plan: evaluation and extraction immediately with ophthalmology cataract surgeon F/U: ASAP with Date: 11-17-22

Codes:	
Patient's Last, First Name:	Facility:
<u>Jackson, Steph</u>	<u>MCHT</u>
Date of Birth:	Provider:
<u>06/24/64</u>	<u>AJS</u>
SID / DOC #:	
<u>286-140</u>	

1.) Guidance For Written Testimony (2024 Legislative session)

Name L'O' Child C. Reed #107-763 / #262-545

MCIJ: P.O. Box 549 Jessup, MD 20794

2.) To the Maryland General Assembly Judicial Proceeding and Judiciary Committees

In Favor- Correctional Ombudsman Bill# SB 0134 / HB0297 (number not yet assigned)

Paragraph #1.) My name is L'O' Child C, Reed and I have been incarcerated since 7/25/95. I have live in Maryland most of my life with two convictions. The first one is Arm Robbery with a deadly weapon that gave me 10 yrs , which I did 14yrs and the police and judges was hard, society was hard, yet over coming that hardship gave all of us an free citizen and better understanding of what our four fathers and mothers went through, as voting rights was never ever free, yet most of us black people still are not voting for anything to change our situation we vote for other people causes truly not understanding that, this makes us last, we need real reform rights.

Paragraph#2.) Not just in prisons, old folks homes, shelters, hospitals, and we need to do away with the APR/IGP process, and just let every person bring their injury and guilt or innocence to a three judge panel and 13 jurors so that we may get some real justice, I truly believe we as a free nation can really do better. All prisons are inhumane regardless if it's a church or castle as you're being held against your rights and will.

Paragraph #3.) If oversight can be fair, willing, honest, and legal without prejudice, then every man should vote for that.

Paragraph#4.) I am requesting a favorable vote in support of the Correctional Ombudsman bill.

The Maryland Alliance for Justice Reform www.ma4jr.org

Ms.Olinda Moyd, P.O. Box. 1482 Bowie, MD 20717 Maryland Alliance for Justice Reform, 351 Dubois Road, Annapolis, MD 21401

January 2024

Damon Jones 168350

Maryland Correction Institution - Jessup

P.O. Box 549 Jessup, MD 20794

To the Maryland General Assembly, Judicial Proceedings and Judicial Committees. I'm writing to say that I'm in favor of Correctional Ombudsman's Bill. Also that I was and still is a Maryland resident and I attended Baltimore school systems through the 9th grade. But then I went to a new school of learning in 1982 at the age of 18, and that was and still is The Maryland Prison System.

Well as I've stated my incarceration started in 1982 so my insight goes back away's into how mess up the Prison's are. And by not having some one to answer to the Prison's staff got away with a lot of mistreatment of prisoners. Such as being place in solitary confinement for 6 month's before you would go up for the infraction.

By having a independent out side oversight the prison's staff could not get away with some illegal act against the prison population. And also the inadequate medical could be done right. And as I close out I will say that I'm asking the committee to pass the correctional Ombudsman Bill.

Respectfully Submitted
Damon Jones 168350

MARVIN S. CROXSELL # 236308
P.O. BOX 549 (M.C.I.J.)
JESSUP, MD. 20794
January 2024

SB0134 / HB0297

To The Maryland General Assembly Judicial Proceedings & Judiciary Committees,

I am a Maryland resident who has been incarcerated within the Maryland prison system for a little over 43 ½ years. In that time, I have witnessed many different things, all of which is too much to talk about in the space I have been given. However, I am in support of a favorable vote for The Correctional Ombudsman Bill.

It is very important to have an independent oversight over our correctional operations; it is like any other major operation that has checks and balances in place in order to keep order for when left unchecked, many terrible things can happen to fellow human beings. I can remember a time when officers would beat, punch, and kick us until we were a swollen and bloody mess and then throw us in a cell apart from the rest of the population so no one could or would see us. Today we have a medical unit that wants to treat everything with ibuprofen, which is unable to combat a stroke, a heart attack and most other severe illnesses. They are constantly misdiagnosing the men who come to them for help, which has led to a number of lawsuits, but no matter the outcome, the same medical company keeps getting the contract with the state even though they have changed the name of the company while keeping the same incompetent medical staff. I have had three associates die in this prison alone because the nurses did not know how to use the defibrillator, on two of those occasions the officers had to jump in because the nurses did not know. Why is that so? Why wouldn't a person who has been trained in this field know how to operate a tool that is necessary to preserve life? The one thing I do know is if we had an oversight committee, we would have checks and balances and some of these things would not occur or at least something would be done about it to prevent it from happening again. In addition, there is mold in every building. Consequently, the administration does a good job of covering up problematic areas because they know when the tour is coming in, and the areas where they plan to take the tour. Therefore, they just paint over everything or try to clean certain areas to be deceptive but having an oversight committee could change that, we could live in a healthier environment and someone would know what is really going on from top to bottom in every facility. I know that there are some authorities within the system that do not want you to know that many of our facilities are rodent infested, that the food and medical care is less than inadequate. That when one files an ARP for some real issue that

person is most likely going to be harassed or even sent out the prison for filing something that we have rights concerning.

It is most important that we have an oversight committee to help prevent and solve some of the issues that plague our facilities. I know that there are some people who probably brush those of us who are incarcerated off and consider many of us as animals but that is not the case. While many of us have done some terrible things we are still sons, brothers, fathers, uncles, cousins, friends and we are still human beings who are U.S. citizens.

It is my hope and prayer that this committee will get behind and give its full support to the Correctional Ombudsman Bill. The late Congresswoman Barbara Jordon once said, "That if society fails to challenge its wrongs, it creates the impression that those wrongs have the approval of the majority." I hope that is not the case with this committee. That you will have the courage to at least challenge some of the wrongs that are within our facilities.

Respectfully
Marvin Crossell

TESTIMONY (2024 LEGISLATIVE session)

Daniel Hill#240-234
 Maryland Correctional Inst.Jessup
 P.O.BOX 549
 Jessup,Maryland 20794

To the Maryland General Assembly Proceeding and Judiciary
 Committees.

IN FAVOR-Correctional Ombudsman Bill# SB0134/HB0297

My testimony today is based on mental health, (ATTENTION DEFICIT HYPERACTIVIT DISORDER);. My ADHD abnoral brain disorder must have started as an infant I was slowly being lead poisoned from being fed Gerber baby foods and can pets milk. Growing up as a young boy I had no clue that this was happening to me, my parants and school teachers should recognize this as I was groeing up. It wasn't until I got into high school whhen this abnoral disease of the brain abrutly hit me hard,Its like I was being brain wash of everything I had learned,My mind raceing a hundered miles a hour back and forwarder. While in high school my teachers was just pushing me through school I didn't want that,I didn't want a piece of paper I'd didn't earn. I left high school in the tenth grade to find out what was causing my disorder,to no avail I never found out while I was on the streets. After comeing to prison I enrolled into school to try and get my GED,because I wasn't progressing at the rate of the other inmate's I was put out of school I learned from a tutor that my brain disorder comes from the food I am eating its like eating lead paint. My task started all over again I spent a lot of time in the library searching for books to learn more about ADHD to no avail I found nothing on this subjecttheres alot of elderly people in Maryland prison system like me with this brain disoder in some people it may not be reversable in some people. People people need to be educated and understand about people like me with this type of brain disorder that come from eating food we are not (ignorant) just a little different. I have earned a certificate to ANNE ARUNDEL COUNTY COMMUNITY COLLEGE, If and when I'm released on parole I know I don't have to compet with other students to earn my GED or worry about being put out of school because my handicap. The department of corrections nor the mental health providers offers any kind of assistance, Its the department of corrections responsibilty to develop such program for one hour a day for (Therapy). There is a strong need for a corrections Ombudsman to over see the menthal health provider's I the Maryland General Assembly Committees is heart felt of my handicap I am (62) years of age.

Kind Regards

Daniel Hill

Daniel Hill #240234

Coversheet MOPD Testimony.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 134 – Office of the Attorney General Correctional Ombudsman

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/7/24

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 134.

Attached to this document is written testimony from people who are incarcerated and will be directly impacted by this bill. Please consider their voices in your favorable report for Senate Bill 134.

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

scan_moyd_2024-01-29-14-23-30.pdf

Uploaded by: Elizabeth Hilliard

Position: FAV

Delmont Player

ID#286573/ SID#1775708

Maryland Correctional Inst. Jessup

P.O. Box 549 (MCI-J)

RE: 2024 Legislative Session

SB0134 / HB0297

November 29th 2023

As-Salaam-Alaikum!

To whom it may concern:

My name is Delmont Player and I am a 42 year-old Maryland resident who has been incarcerated since the age of seventeen currently being housed in the Maryland Correctional Institution located in Jessup, Maryland. I have been housed in every maximum security prison in the State of Maryland and spent more than 15 years under some of the worst conditions of solitary confinement. So I wanted to not only show my support for the Correctional Ombudsman Bill, I also wanted to tell my story.

To begin with, as I expressed above I came to prison at the age of seventeen. I was angry, uneducated [*i.e., barely able to read or write*], and misguided, all of which is well documented. However, none of this stopped the institution from sanctioning me to long periods of segregation with no visits, no phone calls, **no schooling** and **no recreation**. Furthermore, once I entered the prison system it became worse. I have been housed in dilapidated cells with **no water** and **no heat**. I have had officers toss my breakfast, lunch, and dinner bags into the cell as if there was food inside only to discover that there was nothing except toilet paper inside. This was done to make it appear for the tier-cameras as if I was being fed. On January 6, 2006, after participating in a riot in the North Branch Correctional Institution, I was deprived food, left in restraints for hours, denied showers, and refused medical treatment. It got so bad that a group of about 30 of us went on a hunger-strike until Headquarters (Reisterstown Road) was forced to send out the deputy commissioner to investigate. My mail was tampered with and at times destroyed. **My family was denied visits and even threatened.** During this time several officers were assaulted and I ended up with a five-year additional prison sentence and over seven years of lock-up/segregation time. (See prison base file and or court documents).

There were other serious incidents that took place on October 31, 2005; and February 16th 2007. After all, you have to keep in mind that a large number of the officers assaulted during the riot had family [i.e. nieces, nephews, sons, wives, etc.] who still work at the institution. Again, all of this is well documented. On March of 2007, I was shipped out of the State of Maryland as one of Maryland's most disruptive prisoners as a means of 'retaliatory punishment'. As a result, I ended up in quite a few bad situations. Upon my return to the state after three years, my old lock-up time was reinstated without incident. My visits were taken. All of my property was sent home or destroyed against my wishes. This was despite the fact that I'd obtained my GED, held my job for two years, completed countless self-help programs, and began attending college computer class.

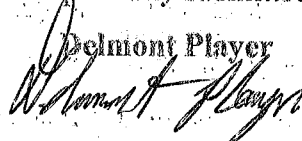
On October 10th 2010, there was another incident involving several officers extracting me from my cell after another racist situation where officers claimed to make their own rules. Again, my personal property was destroyed, including **my father's funeral photos** and **my trial transcripts**. The ARP/IGO process afforded me nothing, especially since the officers would literally rip them up right in front of my face. I say all that to say that there has to be some kind of oversight. I suggest someone who actually cares about what goes on behind these prison walls. I have endured power outages, water shutdowns, bad medical treatment, etc. and I have seen worse. The only thing that has sustained me is the fact that I have family members who love me, family members who refuse to stop making calls once I am able to get word to them about the situation. Many don't have that support! This is why they continue to be treated so inhumane.

I support the need for a Correctional Ombudsman Bill because on the inside these people cannot be asked to police themselves. Time and history has shown and proven that that doesn't work. A viable solution is long overdue. I would also like to acknowledge in this particular institution the fact that the case management department is extremely bad. They are of NO HELP and I have made complaint after complaint to no avail.

Thank you very much for your time, consideration and fight to clean up a very broken system. May Allah (God) continue to bless and keep you.

Respectfully submitted,

Delmont Player



RM # 2 970131
Randy McPeak
Jessup Correctional Institution
P. O. Box 534
Jessup, MD 20794

January 2024

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR – Correctional Ombudsman Bill SB 0134 / HB 0297

I have been incarcerated for over 12 years. For the past year have been actively involved as a SMART Recovery Training facilitator and a Certified Peer Recovery Specialist. I am part of a unique group of men that provide support services to approximately 200 men each week. I am asking for a FAVORABLE vote in support of the Correctional Ombudsman Bill.

The Correctional Ombudsman Bill is necessary because the medical department does not operate in a way that benefits the ill. Sick call slips often go unanswered, medication refills frequently go unfilled, and rarely does anyone go to sick call where a doctor or physician's assistant conducts a physical examination. When I was in the community, every time I went to the doctor, he/she would conduct a routine examination of my throat, glands, ears and eyes. Rarely does a doctor or physician's assistant put their hands on an incarcerated person. A doctor usually determines what is wrong with a client based on an oral interview of the incarcerated person. In addition, it takes forever for someone to be seen by the medical department once a sick call slip has been submitted. I AM ASKING FOR A FAVORABLE VOTE ON THE CORRECTIONAL OMBUDSMAN BILL.

The Jessup Correctional Institution also has a serious problem with black mold. Black mold is everywhere, particularly in the recreation area ceiling tiles. There is also a serious problem with rain dripping from the ceiling. Also, the food at JCI is horrible. I understand that prison is not meant to be nice. However, the conditions at the Jessup Correctional Institution are atrocious, below standard and kept away from public scrutiny. Showers are also constantly cold and repairs to broken showers and toilets can take months.

The Correctional Ombudsman Bill can cure the problems that are so pervasive at JCI. I am asking for a FAVORABLE VOTE FOR THE CORRECTIONAL OMBUDSMAN BILL.

ROBERT BRAMAN #1006886

JCF

JESSUP, MD.

I AM IN FAVOR OF A CORRECTIONAL
OMBUDSMAN BILL SB0134/HB0297

I AM A RESIDENT OF THIS INSTITUTION
SINCE FEBRUARY 2022. IN THE SHORT AMOUNT
OF TIME SINCE I GOT HERE, I HAVE SEEN
SEVERAL CHANGES BY THE ADMINISTRATION,
NOT BY THE DAILY INMATE ACTIVITY.

THE CHANGES HAVE OCCURED IN SEVERAL
AREAS. I HOPE I CAN GIVE YOU SOME IDEA OF
WHAT I AM SAYING. A) I AM A HEART & LUNG
PATIENT. I HAVE A VERY HARD TIME GETTING THE
REQUIRED MEDS. I AM TOLD THAT THE ADMIN.
DID NOT FEEL THESE ARE NOT NECESSARY. THEY
REFUSE TO CONTACT MY CARDIOLOGIST THAT HAS
TAKEN CARE OF ME SINCE 1998. B) I HAVE
REQUESTED CARE FOR THINGS LIKE HEARING
LOSS - PROSTATE TESTING - EVEN SIMPLE
THINGS LIKE FLU - TETNAS - SHINGLES SHOTS.
C) THE PRINTED SCHEDULE FOR REC. TIME, THE
STAFF LETS YOU OUT WHEN THEY FEEL LIKE IT -
IF AT ALL. D) THEY ISSUE TABLETS TO
CUT BACK FROM REC. HALL CROWDING AND
A SHORTAGE OF PHONES. WHEN THE PROGRAM
STARTED, WE HAD PHONE ACCESS WHICH NOW IS
CUT BACK WITHOUT EXPLANATION AND WHEN
ACCESS IS DENIED - THE MONEY WE PAID OUT
OF POCKET IS LOST. E) SHOP WORKERS
HAVE ALWAYS BEEN ABLE TO ENTER THE
CAFETERIA, EAT, THEN LEAVE, RETURN TO HOUSING
UNIT FOR SHOWERS. NOW THEY HOLD YOU OUT -
KEEP YOU IN - AND YOU ARGUE FOR THE
SHOWER.

I THINK OVERSIGHT WILL FORCE THE INSTITUTION TO RETURN TO WAY THEY USED TO OPERATE. THEY WON'T BE ABLE TO COMMIT FRAUD WHEN THEY DOUBLE BILL THE STATE AND MEDICARE. IF THEY WOULD BE MORE COOPERATIVE WITH THE VETERANS ADMINISTRATION, MAYBE VA WOULD HELP WITH CARE & COST. IF THEY WOULD REWRITE AND ENFORCE THE UMATE HANDBOOK, AND MAKE SURE THE STAFF UNDERSTANDS WHAT THE RULES ARE, PERHAPS THERE WOULD BE LESS TENSIONS. TREATMENT OF THE SHOP WORKERS RETURNED TO THE WAY THEY WERE SINCE WE MAKE A LOT OF MONEY FOR THE INSTITUTION.

I AM NOT A SCHOLAR BUT I BELIEVE THAT IF THE ADMINISTRATION WOULD RETURN TO THE WAY THEY OPERATED 2 OR 3 YEARS AGO. THE ADITUDES OF ALL WOULD GREATLY IMPROVE. THEREFORE, I WOULD HOPE FOR A CORRECTIONAL OMBUDSMAN.

MR. De'RON Johnson SR. # 1219206
Jessup Correctional Institution
P.O. Box 534
Jessup, MD 20794

To the Maryland General Assembly Judicial
Proceedings and Judiciary Committees
IN FAVOR - Correctional Ombudsman Bill # SB 0134
HB 0297

I am a 50 year resident of Maryland from
the northwest section of Baltimore City.
I am in complete support of the bill.

Some of the challenges we face here are
neglected health treatment, dental treatment,
filthy solitary confinement cells and showers; as
well as the ARP/IGP process has a dismissal stand
point. Moreover, there are no vocational programming
and no single cells for those who should have one. It
should not be double celling or segregation and/or
solitary confinement. That's cruel and unusual
torture. Visitation of our friends and loved ones
are almost impossible, they cannot wear anything
(almost) due to the metal detector and hatred from
the African officers.

Independent Oversight can resolve these issues before they become worse. Establishing this will eliminate the so-called review of said matters by the department of corrections itself.

Ask you all to vote FAVORABLE in support of the Correctional Ombudsman Bill.

Thank you

God Bless,

Marcus Tunstall®
'c/d JCI #216796
P.O. BOX 534
Jessup, Maryland [20794 0534]

22 November 2024

TO THE MARYLAND GENERAL ASSEMBLY JUDICIAL PROCEEDINGS
AND JUDICIARY COMMITTEES

IN FAVOR Correctional Ombudsman Bill # SB0134/HB0297

I am a long term resident of Maryland. I grew up in Prince George's County in the 1970's thru the middle of 1990 (until I was incarcerated on July 23, 1990 -- when I was 17 years old). I have been incarcerated continuously, for a total of 33 years, and four months now (at the drafting of this letter). I was given an aggregate sentence of life without parole ("LWOP"). Due to that LWOP sentence, I was not permitted to participate and benefit from many programs in prison. However, of the programs that I was allowed to participate in; I utilized them to better myself. Along the way, I taught myself how to read and write Arabic. And, I taught myself the law. which I have used and continue to use in assisting others on their cases. Beginning in 2012, I taught myself the legislative process and bill writing. In 2014, I began drafting and submitting proposed bills to many passed and present legislators. With regards to the Correctional Ombudsman Bill before you. I strongly implore you to vote favorably in support of, and pass this Correctional Ombudsman Bill. I perceive it to be a long-overdue law that needs to be codified in Maryland's Annotated Code.

I don't want to belabor this testimonial. However, "everything" is broken within Maryland's prisons. (1) I've seen deaths due to snail slow response times by medical staff. Response times extending between 5-to-10 minutes for medical emergencies. (2) Mentally sick incarcerated persons ("IP") linger in isolated cells for long periods of time without psychological treatment. Which results in a deterioration in their mental health. (3) Correctional officers are unprofessional with IPs and IPs' visitors. (4) There are a large number of IPs who are mandatory education individuals. Yet, the education department only permits approximately 25-30 IPs per year to enter school to earn their GED. Even though there is space for at least 60-70 IPs per year. (5) There are no vocational programs within Jessup Correctional Institution ("JCI") and North Branch Correctional Institution ("NBCI"). Two places that need vocational training the most. Even though it is well known that education and vocational training reduces violence and recidivism. Most importantly, (6) of the few volunteers who come into the prisons to teach the IPs needed habilitative life skills. Correctional staff constantly attempt to deter the volunteers from entering prisons and assisting us to become better people. By correctional

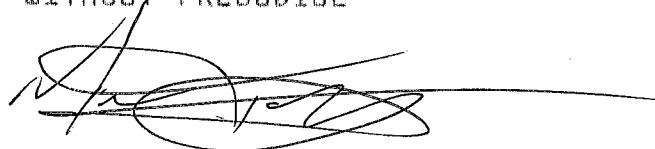
staff sexually harassing some volunteers. Or, forcing the volunteers to wait unusually long wait times before escorting those volunteers to the designated teaching areas. Attempting to either, cut into the time available for that volunteers training session. Or to discourage that volunteer from coming back. These are just a few of the problems that go on in Maryland's prisons.

If there was an independent oversight board (not connected to the DPSCS, nor DOC). Many --if not all-- of the broken problems will be fixed. As of now, the "fox is guarding the chicken coop." And, "the coyote is overseeing the fox, as the fox raids the eggs."

Please, pass this Correctional Ombudsman Bill. Help us have an environment that promotes positive growth, change, and development. Different from the current environment which breeds corruption and self-destruction.

I appreciate your time, consideration, assistance, and attention given to my testimonial/request. I apologize for any inconvenience this letter may have caused you. Accordingly, I look forward to your voting favorably on the Correctional Ombudsman Bill.

Kindest regards,
"WITHOUT PREJUDICE"

A handwritten signature in black ink, appearing to read "Marcus Tunstall", with a long horizontal line extending to the right.

Marcus Tunstall®

SUPPORT OF THE CORRECTIONAL OMBUDSMAN BILL

SB0134/HB0297

I am a Maryland resident at the Jessup Correctional Institution. I have been incarcerated for eighteen (18) years, seventeen (17) years and six (6) months of those years I have been housed at this Institution. I have experiential knowledge concerning this bill and believe without a doubt that this bill will be effective especially for this Institution. I fully support a favorable vote in support of the bill.

The challenges that arise from not having independent oversight over the correctional operations are medical not responding to medical emergencies with a sense of urgency or responding at all which results in the death of patients, medical not giving patients there medicine on time or even giving them there medicine at all, medical giving patients the wrong medicine and wrong diagnosis, medical treating every issue with Tylenol, medical not sending patients out to the hospital when they are in need of what the prison medical cannot and will not provide making remarks that it cost too much to have the outside medical provider to be called (EMS), many patients would still be alive today if they had not been neglected and mishandled when it came to their healthcare. Mold infestation in this prison is evident because it is visibly everywhere you go, the cell, shower and recreation area. Whenever there is an inspection they only visit certain areas in the prison and not the whole complex, the residents are always forced to paint over it to hide it because there is always a notice before the inspection is done so everything can be covered over. The consumption of processed food every day and every meal is the number one (1) cause of stomach cancer, diabetes and high blood pressure in this Institution and when stomach complaints are made: Tylenol is always the solution until physical damage has occurred and/or a phone call from a family member to the Warden. The Opioid / Drug Crisis in this Institution along with overdose related deaths are very real and majority of the times are hidden and never reported and remain voiceless. Family members are treated as if they are incarcerated by being disrespected by staff. They are lied to by staff by telling family members that there incarcerated love ones are not allowed to have visits and are turned away but then the truth comes out that the officers did not feel like working a specific post and cancels visits because they can. There is no accountability here in this Institution from the Top of the Administration to the bottom and this job has become a place of convenience and how one feels and not how one cares.

I truly know with all sincerity that Independent Oversight will resolve these issues and bring them to light before they become wide-spread systemic issues because they have no loyalty to the (Department of Public Safety Correctional Services) and are no employed by them. They have no reason to hide, lie or cover-up any corruption or inhumane treatment. I believe that they would view us as people and not numbers or a paycheck. They have no invested stocks into the influx of Prison Complex which is a business and not rehabilitation.

I am asking for a FAVORABLE VOTE in support of the Correctional Ombudsman Bill.

Raymond E. Jones III # 2175606

MD Catholic Conference_SB 134_FAV.pdf

Uploaded by: Garrett O'Day

Position: FAV



**MARYLAND
CATHOLIC
CONFERENCE**

February 7, 2024

SB 134

Office of the Attorney General – Correctional Ombudsman Unit

Senate Judicial Proceedings Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of Senate Bill 134. 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 134 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 remedial 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 134.

Gordon Pack's SB 0134 Testimony 2024.docx.pdf

Uploaded by: Gordon Pack, Jr.

Position: FAV



PREPARE
PREpare for PARole and REentry

December 6, 2024

Re: Testimony in Support of SB 0134
Office of Attorney General - Correctional Ombudsman Unit

Dear Members of the Judicial Proceedings Committee:

As a returning citizen who has served long-term incarceration, a parole advocate, and someone engaged in reentry services, I support SB0134 sponsored by Senator Hettleman. I believe an independent oversight unit is necessary to insure that MD statutory and regulatory provisions are being executed properly. Correctional staff should work in environments with less risk to their safety as possible. Likewise, incarcerated individuals should serve sentences in safe and humane facilities which prepare them to return to society as productive law-abiding citizens.

Experience has taught me that most people tend to do what is inspected not what is expected. So, it would be ill-advised to believe that every individual and department of the Department of Public Safety and Correctional Services (DPSCS) operates optimally at all times. I can attest to shortcomings of the incarcerated individual, staff, policy, and procedure.

I have witnessed peers mistreating, assaulting, and abusing one another due to self-hatred, contempt, and entitlement along with the opportunity of doing so without consequence. I, other peers, and staff have been subject to attacks by other peers suffering from unaddressed mental illnesses, such as schizophrenia, depression, hopelessness, despair, etc. I have been frustrated by overworked and disbelieving staff not taking legitimate complaints seriously.

I have witnessed gross negligence and mistakes by staff result in physical injury to colleagues not to mention incarcerated individuals. DPSCS is under-trained and understaffed. Correctional Officers are working so much overtime that they have actually fallen asleep on post. The caseloads of the Case Management, Social Work, and Education Departments are so large that staff do not have the time to provide adequate services.

Prepare-parole.org
PO Box 16274, Baltimore, MD 21210



PREPARE
PREpare for PARole and REentry

Additionally, religious, recreational, educational, cognitive, and visiting activities are being canceled for any reason which creates hostility. Management at facilities inconsistently prohibit prayer in recreational areas where physical exercise, tabletop sports, and congregational studying is allowed. Legitimate Administrative Remedy Procedure complaints are dismissed without investigation to protect staff and discourage formal pursuit of resolving grievances.

While there are many causes for such failings and more, a Correctional Ombudsman would be in a unique position to identify and address problems overlooked under the existing scheme. I believe that improvement of perverse conditions which have permeated DPSCS for ages can only be accomplished by having a neutral party to investigate, oversee, and mediate reasonable concerns with implementation of statutory and regulatory provisions. Thus, I urge this honorable committee to vote favorably for SB 0134. Thank you for your time and consideration.

Truly yours,

Gordon R. Pack, Jr.
Parole Advocate
gordon@prepare-parole.org
gordonrpack@gmail.com
Cell# 410-456-7034

Prepare-parole.org
PO Box 16274, Baltimore, MD 21210

SB134 Favorable Testimony.pdf

Uploaded by: Gregory Brown

Position: FAV



Testimony for the Judicial Proceedings Committee

February 7th, 2024

SB134 Office of the Attorney General—Correctional Ombudsman

FAVORABLE

GREGORY BROWN
PUBLIC POLICY
COUNSEL

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB134, 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. SB134 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 SB134.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

SB 134 FAV CCJR.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 134

TO: Members of the Senate Judicial Proceedings Committee
FROM: Center for Criminal Justice Reform, University of Baltimore School of Law
DATE: February 6, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center strongly supports the creation of independent oversight of Maryland’s correctional institutions through Senate Bill 134.

As numerous high-profile incidents and lawsuits against the State of Maryland have made clear, incarcerated people and correctional staff continue to encounter serious threats to their health and safety, including violence and abuse inside institutions. Given that incarcerated individuals and correctional staff too often face retaliation for reporting misconduct that happens within facilities, the harm we know about undoubtedly represents the tip of an iceberg of more widespread systemic challenges. These challenges go beyond threats to physical and emotional safety for incarcerated people, staff and volunteers. Other rights violations, including barriers to adequate medical care and educational, therapeutic and vocational programming, also necessitate enforcement and oversight mechanisms ensuring standards of care are met.

SB 134 would establish a Correctional Ombudsman unit within the Office of the Attorney General empowered to investigate claims made by people behind bars and their loved ones, as well as staff and volunteers. The unit would also conduct investigations of the Department of Public Safety and Corrections’ (“DPSCS”) administrative acts, perform assessments of critical DPSCS services and report this information to the legislature and public, providing much needed sunlight on critical issues behind the walls.

External oversight will promote the twin goals of transparency and accountability in Maryland prisons. An independent, external mechanism is the most effective means of collecting, analyzing, and disseminating information about the conditions of confinement and the treatment of incarcerated individuals. While useful for internal management and administration, internal accountability measures alone are insufficient to address the myriad objectives of correctional oversight. For example, internal accountability measures do not address the needs of public accountability and transparency and fail to ensure systemic legitimacy.

External oversight of Maryland prisons will advance public safety. Each year, approximately 4,000 people are released from prisons back into Maryland communities. The trauma and criminogenic effects of incarceration may be amplified by abuse, violence, and inhumane conditions of confinement. Reducing violence, improving conditions of confinement,

and otherwise promoting human dignity behind the walls through external oversight would serve to improve safety both inside institutions and in the communities to which formerly incarcerated people return.

External oversight is critical to protecting the most vulnerable among us. SB 134 offers protections for certain vulnerable populations in Maryland’s prisons that are especially at risk of being subjected to rights violations, mistreatment and violence. These vulnerable populations include, for example, people with mental or physical disabilities and individuals placed in disciplinary and administrative segregation.

One example of the urgent need surrounding greater oversight and enforcement mechanisms in Maryland’s institutions are the known inadequate protections for trans incarcerated people. According to data published by the U.S. Department of Justice, Bureau of Justice Statistics, transgender people are nearly ten times more likely to be sexually assaulted than the general prison population, with an estimated 40% of transgender people in state and federal prisons reporting a sexual assault in the previous year.¹ Transgender women housed in men’s prisons are at especially high risk, with one statewide study in California finding that when trans women were automatically housed with men, they were 13 times more likely to be sexually assaulted than male prisoners in the same facilities.²

Yet as made clear in the public testimony surrounding the Trans Respect Agency and Dignity Act introduced last year, as well as recent litigation brought by multiple trans individuals surrounding horrific violence endured behind the walls, current processes in place are clearly insufficient to protect all members of this highly vulnerable group. Our Center recently engaged in an analysis of the treatment of incarcerated trans people in response to a recent DPSCS report on the topic, finding that other supposed protections including reporting mechanisms and rights under the Prison Rape Elimination Act remain inadequate and have not been fully implemented. These individuals need additional, independent avenues to sound the alarm and seek support.

SB 134 will take much needed steps forward in protecting those living, working, volunteering, and visiting Maryland’s prisons. For these reasons, we urge a favorable report.

¹ LGBTQ People Behind Bars: A Guide to Understanding the Issues Facing Transgender Prisoners and their Legal Rights, Natl. Cent. For Transgender Equality (last visited Jan. 18, 2024). <https://transequality.org/sites/default/files/docs/resources/TransgenderPeopleBehindBars.pdf>. Beck, A. J. (2014). Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12: Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates, Bureau of Justice Statistics (2014). https://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf.

² Jenness, V., Maxson, C. L., Matsuda, K. N., & Sumner, J. M. Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault, p. 3. Center for Evidence-Based Corrections. (2009).

Clifton Brinegar Testimony ISO Correctional Ombuds

Uploaded by: Hope Kashatus

Position: FAV

Clifton P. Brinegar

JAN. 2024

#14-22-961 S.C.I

P.O. Box 534

Jessup, Md 20794

I have been a resident of Maryland for my entire life of 50 years.

I am writing to share my thoughts on having an ~~and~~ independent oversight

In my experiences, if you are not bleeding or unconscious, your medical needs are not being taken seriously. I have gone days (10) without my medications even though I put in my "RE-FILL" request in a timely manner.

Chronic care doctors have put in paperwork for orthopedic consults, they are almost ALWAYS denied. Why? Doctors can give me Motrin for everything that's wrong with me? To me, my life is worth more than the bare minimum.

Facility Operations: Again, my own experience. Without respect and communication, nothing positive happens. Staff are in charge ↓

but people in prison are still humans.
How can there be true change
without accountability, on both sides
or an impartial board.

I am supporting a vote for Correctional
Ombudsman bill.

Deidra Griffin Testimony ISO Correctional Ombudsma

Uploaded by: Hope Kashatus

Position: FAV

October 31, 2023

Hello Warden Holland,

I am writing to touch base with you regarding the upcoming Veteran's Day event at MCIW. Multiple veterans have discussed and expressed concerns regarding the "Step/Dance" performance that is being planned and rehearsed by non-veterans to be acted out for the veterans. The tone of the conversations regarding the performance is that a "Step performance" does not represent veterans and will not be received at all followed with an action of abstaining from the event. I am a veteran that is appreciative for the celebratory event and feel this is not a time for hurt feelings, anger, anguish, or embarrassment. There are only 10 veterans to consider for the upcoming event. I am writing you out of respect due to I was asked to boycott the Veteran's event due to anything in the order of dance/step performance that is put together or headed, directed by non-veterans will not be received as appropriate to represent veterans. Anything regarding the veterans, please let the veterans have a say for the plans to be as small or big as the veterans are comfortable to be able to attend and participate. Thank you for your time and attention.

Sincerely,

Deidra Griffin

CC Assistant Warden, Ms. Parker
CC Chief of Security, Ms. Goodall
CC VAC Coordinator, Ms. Ngugi

Elva Reid Testimony Correctional Ombudsman.pdf

Uploaded by: Hope Kashatus

Position: FAV

Elva Reid # 2049732

MCIW

January 2024

SB0134/HB0297

To the Maryland General Assembly Judicial Proceedings and Judiciary committees

My name is Elva. I have been incarcerated since 2000 at MCIW. One of my biggest issues is not receiving my mail on time or my money orders notification. We have a system that is supposed to notify us when a money order comes in, who the sender is and the amount. Through all the changes that we have seen it is now at the point where I would see a money order and the amount on our electronic tablets but no mention of who the sender is. This has happened to me time and time again. I wrote to the finance office for the information of who the sender was of two money orders that was delivered 9/6/23 and as of today I have not received a response. I feel at this time if there was an ombudsman that I could communicate my issue to then I would not have to worry that my money is not reaching me. I support a favorable vote in support of this bill.

Not having an independent oversight makes me feel as if there is no one interested in my welfare. Another issue is money going out of our account. There used to be a form that was duplicated; now there is not. I sent a money order to my son and the money was taken out 9/7/23 from my account he just received an envelope 11/11/23 and the envelope was empty.

I feel that an Ombudsman will know the avenues to inquire about our money and they would receive a timely response.

I am asking for a favorable vote in support of the Correctional Ombudsman Bill.

Respectfully
Elva Reid

Gloria Dunn Testimony ISO Correctional Ombudsman.p

Uploaded by: Hope Kashatus

Position: FAV

Gloria Dunn #F90028

Maryland Correctional Institute for Women

7943 Brockbridge Rd, Jessup Md. 20794

SB0134/HB0297

I have been in this institution for well over 18 years. I came here from a federal Institution, wanting to be close to my family. They were offering a program that you had to be within 300 miles from where you lived or where you were convicted. I chose here, over the years this institution has changed considerably it seems as if we have no rights . I definitely will support the Correctional Ombudsman Bill;

In 2015 I had surgery that was unnecessary; I have been complaining about stomach pains and have yet to be send out for an upper gastrointestinal digestive exam. If you are on solitary confinement you cannot order the required hygiene items in order to sustain adequate proper hygiene for females. There is no vocational programming, education is not required and the ARP/IGP is put in place just to favor the officers. Some officers are just rude to family members coming in for a visit, constantly harassed and degraded. Family members waiting for you to be called to visit and the officer inside the bubble talking or inmate calling you for a visit instead of the officer. An inmate giving mail out and passes.

I believe bringing in someone who is not biased and who is fair could rectify some of the issues that the institution has now. A voice for us; meetings with administration, representation not only for the Inmates but our family members too. Education, re-entry programming before some of these issues are unobtainable.

The Correctional Ombudsman Bill has my favorable vote, I support this wholeheartedly it is time for change.

Gloria Dunn #F90028

Kion Eason Testimony Correctional Ombudsman.pdf

Uploaded by: Hope Kashatus

Position: FAV

Kion Eason, CPRS-Coordinator #2005029
P.O. Box 534
Jessup, Md 20794
Date: January 2024

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR – Correctional Ombudsman Bill # SB0134 / HB0297

My name is Kion Eason and I am a resident of Maryland (21206 zip code), and have been incarcerated for 23 years, sentence as an Emerging Adult at age 20. Throughout my incarceration, I have been in three different regions Eastern Correctional Institution (ECI), Hagerstown (MCTC), Jessup (JCI).

The inadequate support service for incarcerated individuals is one consistent aspect of imprisonment that I have witnessed my entire incarceration. I am in support of a favorable vote of the Correctional Ombudsman bill, for the much needed accountability and oversight. This bill will provide much-needed oversight for staff (Custody, Medical, Dietary, Classification, Case Management, Maintenance etc.), and is paramount to ensure equitable treatment in Maryland facilities.

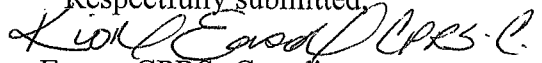
Further, I have suffered negligence from Medical providers, which has lead to severe muscle atrophy to my right leg. The lack of oversight for a quicker treatment response caused scar tissue to develop on my Achilles tendon. The Orthopedic Specialist refused to perform surgery due to the month long lapse caused by medical provider/DPSCS scheduling. This is just one instance of medical time lapse that has affected my health. However, this kind of delay with medical has been consistent in all three regions that I resided.

Meanwhile, inter- institution department accountability has been void, first, Per Case Management Manual, I am unable to ARP Case Manager decisions. In addition, the following other areas are in need of oversight and accountability:

- Medical issues through ARP/IGO process takes so long that the health issue becomes worse;
- Limited programs run by social work, psyche. , and Case management to remedy mental health or substance abuse disorders;
- No vocational training for general population to support successful reentry;
- Housing units are filled with and mold, and ceilings are literally falling apart from roof leaks;
- Inmate Grievance Office (IGO) is not a separate agency, Due Process cannot be fair and impartial when DPSCS employees oversee complaints of other DPSCS staff.

Moreover, an independent oversight committee would ensure that the inter-agencies are actually adhering to the policies and procedures that are already on the books. This oversight committee will strengthen professional responsibility and accountability, while also improving public safety. By allowing the Ombudsman bill to pass, guarantees equal protection to all citizens that are in custody in Maryland.

In closing, I fully support this innovative approach to making Maryland a safer place for all of its residents. Furthermore, I am requesting that a favorable vote in support for Correctional Ombudsman bill this legislative session.

Respectfully submitted,

Kion Eason, CPRS- Coordinator

Mary Chider Testimony ISO Correctional Ombudsman.p

Uploaded by: Hope Kashatus

Position: FAV

Mary Chider (481612/1635195)

MCIW

November 14, 2023

SB0134/HB0297

I am in support of the Ombudsman bill for the following reasons:

I. Medical

- I had pneumonia and was told for weeks there was nothing wrong with me until I eventually hospitalized for two weeks
- Glasses were ordered for me in June 2023 as of today I have not received them

II. Education

- Has only had eight people receive their G.E.D's in the past year

III. Programming

- There is no drug treatment and we have been told by the administration that drug addiction is a choice
- There is no support from the administration in maintaining the few programs we have left.

IV. COMAR

- It is the view of this administration that it is a guideline and can be changed as they see fit

For these reasons and many others I am in support of the Ombudsman bill.

Thank you,
Mary Chider

Veronica Deramous Testimony.pdf

Uploaded by: Hope Kashatus

Position: FAV

**TO THE MARYLAND GENERAL ASSEMBLY JUDICIAL PROCEEDINGS AND JUDICIARY COMMITTEES IN FAVOR –
CORRECTIONAL OMBUDSMAN BILL # 0134 / HB 0297**

SB

WITHOUT OMBUDSMAN, WITHOUT OVERSIGHT AN INSPECTION OF EXPECTATIONS, MCIW WILL CONTINUE TO FOSTER VIOLATIONS OF CONSTITUTIONAL RIGHTS, ABUSE, RETALIATION, DEFICIENCIES IN PROGRAMMING AND THE MISHANDLING OF CASE FILES AND RELEASES OF INCARCERATED PERSONS (IP). I am a Maryland resident from Prince George's County. Incarcerated at the Maryland Correctional Institution for Women (MCIW) for 14 years December 2023. I back a favorable vote in support of the Ombudsman Bill because MCIW is a "moral hazard". By definition a moral hazard is the lack of incentive to guard against risk where one is protected from its consequences. People believe that prison systems are doing the work of protecting them from criminals and rehabilitating them. This trust gives workers within the system the freedom to perform their duties, responsibilities, and obligations as they see fit.

THE VAC –

The Vocational Activities Coordinator[s] (VAC) position is for a civilian. The reason for this position needing to be filled appropriately is, because when a staff member i.e. officer goes from no position of power to a position of influence, that authority can be abused, it is currently being taken advantage of. Resulting in Incarcerated Individuals (II's) not being able to participate in groups/programs/classes, and retaliation by other staff members because of their comradery. Worst is favoritism and personal inappropriate relationships with specific II's, leaving others not being treated fair, firm and impartial according to COMAR. It also gives those same II's the ability to regulate, having weight themselves through staff over other II's.

REBECCA VOE –

This is an II who has come and gone. Within her short time served here at MCIW, Officer Ngugi ensured that she participated in all programs available to the general population, telling her clerk to put her in all classes. Neglecting II's who were here years before she came and still today are on waiting lists. MCIW needs to fill the VAC position with someone who is able to treat all II impartial and evenhanded. Without an Ombudsman Committee, MCIW is going to continue to fail at providing programming and rehabilitation for II's justly.

THE NEWSLETTER –

Like a newspaper but for the institution, The Pulse was distributed quarterly for II's by II's. I am just one of several II's who have been apart of this informative, encouraging, and sometimes funny material. Cynthia Downs, Lucresha Mints and myself were in the computer lab working on The Pulse, II's Helen Newsome(HN) and her fiancé Brianna Brinkley(BB) were in this location prior to us. They showed instant attitudes because of our presence. Refusing to share space with Cynthia to be able to use the computer where the newsletters information is located. There was an exchange of words, Cynthia spoke with Ngugi, not able to get any assistance from her, she left. One week later, we were told that we were going to be replaced. To date there has not been anyone assigned as editors for The Pulse.

HN and BB have been given access to the computer lab by Ngugi for special projects Sun.-Sat. 2:30-9:00PM. Problem is, when anyone tries to use the computer lab for any other reason ie legal computer lab time, Goucher college, the newsletter we are all hassled, pressured, and bullied to leave. Goucher College time is currently Fri., Sat., and Sun. 5:30-8:30PM. Most recently Goucher College staff had to step in and speak with Ngugi about II's Goucher students being harassed while in the computer lab trying to do assignment during their assigned times as well as having to request that Ngugi not have II's who are practicing a step routine to be in the computer lab during Goucher College computer lab time.

In 2023, MCIW has organized a Family Day and Women's Conference both II HN and BB have been consistently able to volunteer for all programs even those prior to this.

OMBUDSMAN WILL PROVIDE ACCOUNTABILITY ENSURING THAT MCIW DOES NOT CONTINUE TO CULTIVATE INFRINGEMENTS OF CONSTITUTIONAL RIGHTS, NEGLIGENCE, VENGEANCE, INEQUITIES IN PROGRAMMING AND THE MISMANAGEMENT OF CASE FILES AND RELEASES OF INCARCERATED PERSONS (IP).

VETERANS DAY PROGRAM –

Caroline Scruggs came to MCIW for a program to honor female Veterans. We were told that a Veteran's Program has been operating within the men's facility for years and that this administration would be initiating a program here for Vets by Vets. We were specifically told by Warden Holland and Assistant Warden Parker that we would mimic the men and also be included in the current Vet Dog Program that no Veteran is currently participating in.

In Oct. 2023 Ngugi called me into her office and asked what I wanted to do for Veterans Day for the Vet Program. I told her that there are only 11 of us here and to please call us all to her office to ensure that we could come together to make that decision. She assured me that she would. Nov 2, she called a meeting for all Veterans because one Vet wrote to the Warden, AW, and Chief of Security asking why a special group of II's were practicing for the Veterans Program and we Veterans had not been called to do anything for our program. As a group we all spoke to Ngugi about how inappropriate it was to have steppers to step for Veterans because we are not a sorority, how we felt like she personally made a way to incorporate her favorite group of II's into this program, but most important she did not involve any Veterans in the Veterans Day Program. The Veterans Program, I would like to emphasize is for the Vets by the VETS. The Assistant Warden Parker had to step in and direct Ngugi that the steppers are, not to be a part/in control of the Veterans Program. She also had to correct Ngugi who stated to the Vets that the Vet Dog Program is just a name and has nothing to do with actual Veterans.

MORALE COMMITTEE –

Officer Ngugi is in charge of the Morale Committee on the 7-3PM shift for the staff. This affords her the opportunity to have other staff to retaliate on her behalf. After questioning her special participants in the Veterans Program, I had a situation at my job assignment. I was coming in to work and as an II Shala Dorman who was leaving the Maryland Correctional Enterprises (MCE) shops with a scarf on, I noticed that she was not searched by Officer K. Smith. However, when I entered, she not only pat searched me but she grabbed my head like a basketball. I am Sunni Muslim, I am always covered, I have never had any staff member to grab my head like that. She did not inform me of the fact that she was going to grab my head like that making me jerk away. I questioned why she even did that after letting a non-Muslim walk out with a scarf on as well as two others who were wearing hats without even searching them. When any II leaves MCE shops they are to be searched, she targeted me, she works on Center Hall and is very close to Ngugi.

Responsibilities like fundraisers are assigned to the VAC. I was in Ngugi's officer while she made cups of coffee for staff members charging them a two-dollar fee. When questioned as to why so much, her response was well, it's here and it's cheaper than Star Bucks. She bragged to them that the Secretary Caroline Scruggs liked the coffee that she brought back from Africa. My question is, does Ms Scruggs know that she's selling it to the staff? Probably not.

IMMEDIATE FAMILY MEMBER DEATHS –

In the past, if an II lost a family member there were a few ways in which we were able to mourn: 1. Family record and II review in private setting, 2. View via skype in the visiting room – all done through the Chaplain's Dept. This administration Warden Holland does not allow either anymore. In the month of Oct. HN lost her father. Ngugi made special arrangements for her and her fiancé to go into the visiting room and watch the funeral via skype. There have been several II who have lost their family members and they were not afforded the opportunity to view it in any way. Even if this is on a case-by-case basis, what could possibly be the reasoning for allowing an II who had no loss at all to view a funeral versus the many II's who had a loss and couldn't do it?

ABUSE –

In March, my mother who has mental health issues entered into the visiting room hugged and whispered into the ear of Officer Dunnaway. The officer said yes, took off her belt and handed it to my mom. My proceeded to hit me more than five times very hard across my arm as I sat with both hands on the table. Officer Sander, another officer, Latrona Jackson another II and her children and friend were all present in the visiting room that has cameras. I asked if the visit could be canceled and Dunnaway laughed saying no to me, stating to my mom, and if you need it again just let me know. Who can we turn to?

OMBUDSMAN WILL PROVIDE ACCOUNTABILITY ENSURING THAT MCIW DOES NOT CONTINUE TO CULTIVATE INFRINGEMENTS OF CONSTITUTIONAL RIGHTS, NEGLECT, VENGEANCE, INEQUITIES IN PROGRAMMING AND THE MISMANAGEMENT OF CASE FILES AND RELEASES OF INCARCERATED PERSONS (IP).

SB 134 2024 Annapolis Pride.pdf

Uploaded by: Jaden Farris

Position: FAV



Board of Directors

Chair

Joe Toolan

(he/him)

Vice-Chair

Katie Connolly

(they/them)

Treasurer

Dennis McGowan

(he/him)

Secretary

Jaden Farris

(he/him)

Valerie Anias

(she/her)

Christine Feldmann

(she/her)

Mastin Fowler

(he/him)

Chris Haley

(he/him)

David Jones

(he/him)

Heather Maher

(she/her)

Nicole McCoy

(she/her)

Jessica Parsell

(she/her)

Sarah Sample

(she/her)

Joshua Seefried

(he/him)

Jayne Walters

(she/her)

Tim Williams

(he/him)

BILL: Senate Bill 134 - Office of the Attorney General - Correctional Ombudsman Unit

DATE: February 7, 2024

POSITION: FAVORABLE

COMMITTEE: Judicial Proceedings

CONTACT: Jaden Farris | jaden@annapolispride.org

Annapolis Pride's mission is to advocate for, empower, and celebrate the LGBTQ+ community in Anne Arundel County to live fully and authentically. Our vision is a safe, equitable, and anti-racist community where people of all identities thrive.

As such, Annapolis Pride supports Senate Bill 134, which establishes an independent Correctional Ombudsman Unit (COU) within the Office of the Attorney General. This legislation represents a critical step forward in ensuring the safety and well-being of inmates, specifically transgender and gender non-conforming inmates.

Transgender inmates are particularly vulnerable to mistreatment and abuse within correctional facilities. According to the 2015 Transgender Survey, nearly one-third of respondents who were incarcerated were physically and/or sexually assaulted by facility staff and/or another inmate in the past year.¹ This unacceptable reality paints a grim picture of the systemic failure to protect vulnerable individuals within our correctional system. These abuses, ranging from brutal beatings and denial of medical care to relentless verbal harassment and misgendering, take a devastating toll on the physical and mental well-being of transgender inmates.

A robust Correctional Ombudsman Unit, independent from the Department of Public Safety and Correctional Services, removes it from the direct influence of the Department of Public Safety and Correctional Services, guaranteeing objective investigations. The COU is crucial in addressing this crisis. Such a Unit can conduct thorough investigations, hold facilities accountable, and advocate for reforms that create safer environments for all inmates, especially those facing unique vulnerabilities like transgender individuals.

Accordingly, Annapolis Pride respectfully requests a **favorable** committee report on Senate Bill 134.

¹James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality

BaltOMBUDStestimony.pdf

Uploaded by: Jamie Grace Alexander

Position: FAV

TESTIMONY in SUPPORT of Senate Bill 134
Office of the Attorney General – Correctional Ombudsman Unit

TO: The Judicial Proceedings Committee

FROM: Jamie Grace Alexander on behalf of Baltimore Action Legal Team

My name is Jamie Grace Alexander, I am the community paralegal at Baltimore Action Legal Team (BALT). I submit this testimony in favor of SB134 which would establish a correctional ombudsman, taking a critical step towards truer justice. My employer, BALT is a legal collective that was founded in response to community calls for legal support during the protests following Freddie Gray's murder. Since 2015 we remain committed to providing expungement services to our community and otherwise intervening where we can in the criminal justice system.

By now we should be aware that there are major problems with the way we are incarcerating people here in Maryland. Many people are being held in solitary confinement for nothing more than mental illness or special needs. In a Maryland prison there could be someone with appendicitis right now unable to get surgery because their CO thinks they are faking it. What is the redress for these critical concerns as it stands?

Prisoners can only bring their complaints to correctional officers, who may themselves be the subject of the complaint. DPSCS Administrative Remedy Procedure (ARP) and Inmate Grievance Office (IGO), today, are inadequate, bureaucratic & inefficient. But to make matters worse, if dissatisfied, a prisoner faces four-levels of adversarial review -- three of which involve expensive legal services. An ombudsman would provide a neutral party who could offer solutions at an earlier level and would be equipped to address these chronic problems in the system.

6-904. Section (2) details how this agency would conduct critical independent reviews and assessments of prisoner conditions. Particularly important is the ombudsman's ability to intervene in severe unmet physical & mental health needs as well as unreasonable instances of solitary confinement. We know solitary confinement has severe mental health consequences for the strongest people & yet we still overuse this tactic with no one empowered to stop it! Incarcerated people can disclose the medications they are on when they go in & they could still not see that medication for months, no matter how important it is.

Oversight is critically needed. Prisoner healthcare & substance abuse concerns are the single most common use of the proposed ombudsman office by sister states' programs and a huge expense for Maryland prisons.

The ombudsman office would not be under the direct control of Correctional administrators & would be permitted unannounced inspections; critical differences between this proposed office & existing measures of oversight. Without this external oversight how can we determine if (DPSCS) Department of Public Safety and Correctional Services mission of rehabilitation is consistent with its actual practices.

For these & many other reasons I urge a favorable report on SB134.

SB134_TRAC_FAV_2.7.24.pdf

Uploaded by: Jamie Grace Alexander

Position: FAV



Senate Bill 134
Office of the Attorney General – Correctional Ombudsman Unit
February 7, 2024
Support

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

TRAC submits this testimony in favor of SB134 which would establish a correctional ombudsman, taking a critical step towards truer justice.

TRAC is a Maryland-based and entirely trans-led coalition committed to ensuring that all transgender and gender expansive Marylanders can live safe and affirming lives. Our membership includes healthcare providers, attorneys, academics, organizers and other community members who all stand in strong support for creating independent correctional oversight.

There are major problems with the way Maryland's Department of Public Safety and Correctional Services (DPSCS) incarcerates people. Many people are held in solitary confinement for nothing more than mental illness or special needs. **Transgender inmates are particularly subjected to this treatment, often under the guise of it being for their own protection. What is the current redress for these critical concerns?**

The only real recourse for prisoners to file complaints is through correctional officers, who may themselves be the subject of such complaints. DPSCS Administrative Remedy Procedure (ARP) and Inmate Grievance Office (IGO), today, are inadequate, bureaucratic, and inefficient. To make matters worse, if dissatisfied, a prisoner faces four-levels of adversarial review -- three of which involve expensive legal services.

An ombudsman would provide a neutral party who could offer solutions at an earlier level and would be equipped to address these chronic problems in the system.

6-904. Section (2) details how this agency would conduct critical independent reviews and assessments of prisoner conditions. Particularly important is the ombudsman's ability to intervene in severe unmet physical & mental health needs as well as unreasonable instances of solitary confinement. Incarcerated trans people can disclose the medications they are on when they go in and be restricted access to their hormones for extended periods of time.

Oversight is critically needed. Prisoner healthcare and substance abuse concerns, a huge expense for Maryland prisons, are the most common use of the proposed ombudsman office by our sister states' programs.

The ombudsman office would not be under the direct control of correctional administrators and would be permitted unannounced inspections; critical differences between this proposed office and existing measures of oversight. Without this external oversight, how can we determine if DPSCS's mission of rehabilitation is consistent with its actual practices.

For these & many other reasons we urge a favorable report on SB134.

Sincerely,
The Trans Rights Advocacy Coalition

SB 134 Correctional Ombudsman Unit

Uploaded by: Jane Harman

Position: FAV

SB-134 – Correctional Ombudsman Unit

Favorable

Jane L Harman, PhD

7241 Garland Avenue

Takoma Park, MD 20912

I began my involvement with Maryland state inmates about 7 years ago and have seen enough to say with conviction that a Correctional Ombudsman Unit is desperately needed. The treatment of inmates and their family and friends who visit them is the quintessence of ‘arbitrary and capricious’. Presently, there is no avenue for complaints.

---For example, at Eastern Correctional Institute, a medium-security facility, visitors sit across from the inmate, but with a thick waist-high plexiglass barrier across the table. [Because it is only waist-high when one is standing, it seems superfluous as a real barrier to passing across to the inmate anything that may have escaped the x-ray machines.] However, once both parties are seated, this barrier separates the faces of the inmate and their visitors. It is impossible to hear the other without putting one’s ear right up to a small, screened, 3-in diameter round orifice. Then, the inmate takes turn putting his ear to the little screened opening while the visitor speaks (loudly) into it.

If visiting in pairs, it is not possible for the two visitors to hold a 3-way family conversation with the inmate. A mother and 12-year-old son were visiting, and had driven far, spending the night in a hotel. However, during the visit, the boy was not able to hear his dad speaking to his mom until he took his own turn at the tiny screened speaking orifice.

Older inmates or older visitors who have any hearing difficulty are not able to conduct a conversation at all under these circumstances. There’s no one to complain to about this seemingly nonsensical set-up.

---Those not familiar with Maryland prisons are shocked at the restrictions. Recently, a New York grandma took her 9-year-old granddaughter to visit the child’s father. A happy 5-hour reunion ensued in a New York prison family playroom stocked with games and toys, carpeted to show off children’s cartwheels. However, in Maryland, any visit with a child *ENDS when the child has to go to the bathroom*. How are young children to visit their parents under such restrictions? And I have yet to learn of any playrooms.

---Many other rules adversely affect the children of inmates. I have seen a mother of a 3-year-old boy leave the waiting area and take a taxi to a nearby Target store to buy *different pants* for the child so that he could see his dad. *A 3-year-old*. And in Maryland prisons, no crayon drawings are allowed to be mailed to mom or dad or older siblings. Also, no store-bought birthday cards allowed, no Christmas cards allowed. Mail that contains a card is simply thrown away, not returned to the sender. Nothing on the website warns correspondents not to send cards. Again, no one to complain to, no one to mediate.

---Inmates are subject to seemingly capricious re-assignments to other facilities. I know of two inmates who were abruptly moved from Jessup to the southern reaches of the Eastern Shore, a difficult journey for family and friends. No explanation given. One of these men had worked in the MCE print shop for 15 years, trained to operate computerized type-setting printing machinery, but was transferred upon 1-hour notice to the remote facility on the Eastern Shore. No reason given. No one to appeal to, no one to complain to.

---Although not formally named as solitary confinement, the prison administrators plead 'staffing shortages' as a reason to confine inmates to their cells for 23 hours per day. Such confinement can continue for months. No one to appeal to, no one to complain to.

---Prison Health Services should follow the minimum recommendations of the U.S. Preventive Services Task Force. They do not. Older prisoners suffer painful shingles outbreaks, because prison health services did not give them this routine immunization. Flu shots for older inmates can be delayed until January or later, well after the start of flu season. No one to appeal to, no one to complain to.

---When an inmate serving a life sentence is approved for parole, although a relatively rare event in itself, the inmate does not obtain parole that year. After parole is approved, there is a wait of up to 2 – 2 ½ MORE years to obtain a slot for the mandatory 'Risk Assessment' examination. Why this unseemly wait? No one to appeal to, no one to complain to.

These are just some examples of why we need an Ombudsman Unit to act as a neutral mediator between the inmates and their families and the Department of Corrections in Maryland. I urge your vote on this necessary bill.

Favorable Testimony SB0134 2.7.2024.pdf

Uploaded by: Jeremy Browning

Position: FAV



**Maryland Commission
on LGBTQIA+ Affairs**

**TESTIMONY OF JEREMY BROWNING
DIRECTOR, MARYLAND COMMISSION ON LGBTQIA+ AFFAIRS
FAVORABLE STATEMENT ON SB0134
OFFICE OF THE ATTORNEY GENERAL - CORRECTIONAL OMBUDSMAN UNIT**

February 7, 2024

Judiciary Proceedings Committee

The Hon. William C. Smith, Jr., Chair
The Hon. Jeff Waldstreicher, Vice Chair

Chair Smith, Vice-Chair Waldstreicher, and members of the Judiciary Proceedings Committee, my name is Jeremy Browning(he/him), and I am the Director of the Maryland Commission on LGBTQIA+ Affairs. The Commission was created by the 2021 Maryland General Assembly, and later altered in 2023, to assess challenges facing our LGBTQIA+ communities, establish best practices and recommendations for LGBTQIA+ inclusion, and provide testimony to legislative and administrative bodies.

The Maryland Commission on LGBTQIA+ Affairs is in strong support of Senate Bill 134, which seeks to create a Correctional Ombudsman Unit within the Office of the Attorney General. This bill is a top priority for the Commission, which addresses critical issues within our correctional system and promotes justice, fairness, and equal treatment for all incarcerated individuals, including those within LGBTQIA+ communities.

LGBTQIA+ individuals, especially transgender, nonbinary, and intersex individuals, face unique challenges within the correctional system. Several Maryland based LGBTQIA+ advocacy organizations have reported receiving regular complaints from incarcerated, previously incarcerated individuals, or through family members and friends of incarcerated individuals. These complaints include lack of access to basic necessities, healthcare, and prescriptions; improper or unsafe housing; sexual assault; extended periods of solitary confinement; and fear of retaliation.

The Correctional Ombudsman Unit would provide a crucial mechanism to conduct independent investigations of complaints and conduct reviews within the Department of Public Safety and Correctional Services. Independent oversight ensures transparency, accountability, and protection against reprisals which is fundamental to safeguarding the rights and well-being of all incarcerated individuals.

For those reasons, the Maryland Commission on LGBTQIA+ Affairs strongly urges a favorable report on Senate Bill 134.

senate ombuds testimony.pdf

Uploaded by: Judith Lichtenberg

Position: FAV



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



www.MA4JR.org

Annapolis Friends Peace and Justice Center
351 Dubois Rd., Annapolis, MD 21401
info@ma4jr.org

February 7, 2024

**Testimony in support of SB134/HB297: Office of the Attorney General—
Correctional Ombudsman Unit**

My name is Judith Lichtenberg. I am testifying on behalf of the [Maryland Alliance for Justice Reform](https://www.ma4jr.org) (MAJR), where I serve on the executive committee and co-chair its Behind the Walls Workgroup. 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, Patuxent Institution, and the DC Jail. I have gotten to know many people behind the walls as my students and have learned much about what goes on there. 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—although not the worst of them.

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.

MAJR urges you to pass SB134/HB297 in 2024.

Respectfully,

Judith Lichtenberg
Hyattsville, MD
District 22
301.814.7120
jalichtenberg@gmail.com

SB0134 support testimony.pdf

Uploaded by: Ken Phelps Jr

Position: FAV



TESTIMONY IN SUPPORT OF SB 0134:

Office of the Attorney General – Correctional Ombudsman Unit

****FAVORABLE****

TO: Senator William C. Smith, Chair, Senator Jeff Waldstreicher, Vice Chair and the members of the Senate Judicial Proceedings Committee

FROM: Rev. Linda K. Boyd, Co-Chair, Maryland Episcopal Public Policy Network, Diocese of Maryland

DATE: February 7, 2024

This bill establishes a Correctional Ombudsman Unit in the Office of the Attorney General that would conduct investigations, reviews and assessments of administrative acts taken by the Department of Public Safety and Correctional Service or with regard to individuals confined by the Department. The Maryland State prison system has been without serious oversight for many years. Problems in that Department have surfaced recently that demonstrate significant oversight is needed. Public trust in law enforcement is better served if serious incidents involving our correctional system are subject to not just outside scrutiny but also are left to outside prosecutors to decide whether criminal charges should follow. Everyone who is within the Department and those individuals affected by the Department's action, and most important, the community, would be better served if such potential bias were eliminated in a serious investigation. Such objectivity would result in increased faith in the legal system by the average citizen.

We respectfully request a favorable report.



THE EPISCOPAL DIOCESE
OF MARYLAND

The Maryland Episcopal
Public Policy
Network

SB134 Testimony to Judicial Proceedings- Correctio

Uploaded by: Lauren Pruitt

Position: FAV



2601 N. HOWARD STREET STE 120
BALTIMORE, MD 21218
TEL (410) 625-LGBT (5428)
FAX (410) 625-7423
www.freestate-justice.org

Lauren Pruitt
Legal Director
Lpruitt@freestate-justice.org

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

February 7, 2024

Testimony of FreeState Justice
IN SUPPORT OF SB0134: Office of the Attorney General - Correctional Ombudsman Unit

To the Honorable Chair William C. Smith Jr., Vice Chair Jeff Waldstreicher, and esteemed members of the Judicial Proceedings Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) civil rights advocacy organization. Each year, we provide free legal services to hundreds of LGBTQIA+ Marylanders who would not otherwise be able to afford an attorney and advocate more broadly on behalf of the LGBTQIA+ community. As part of this work, we routinely represent and advocate on behalf of clients under the supervision of Maryland's Department of Public Safety and Correctional Services (DPSCS), who continue to face intense discrimination and abuse while detained.

We write today in support of Senate Bill 134, which establishes the Correctional Ombudsman Unit 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 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 Survey¹, 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 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.

¹ 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>.

FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland) is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.

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 Unit, 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 134.

Lauren Pruitt, Esq.

Legal Director, FreeState Justice

Support SB 134 - Trans Maryland.pdf

Uploaded by: Lee Blinder

Position: FAV

Trans Maryland
1800 E Northern Parkway #66332
Baltimore MD 21239



Senate Bill # 0134 Office of the Attorney General - Correctional Ombudsman Unit
Senate Judicial Proceedings Committee
February 7, 2023
Position: Support

Chair Smith, Vice Chair Waldstreicher, and the esteemed Senate Judicial Proceedings Committee members, my name is Lee Blinder (they/them), and I am testifying on behalf of Trans Maryland. Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. Trans Maryland runs the state's largest name and gender marker change program, offering peer-to-peer guidance and financial assistance to Marylanders seeking a name and gender marker change. We also run the state's largest peer to peer connection space, and as part of our outreach, we talk to thousands of transgender Marylanders, including those currently and formerly incarcerated. I also served on Governor Moore and Lt. Governor Miller's transition team. In addition, I also serve as the chair of the Maryland Commission on LGBTQIA+ Affairs, and my testimony reflects my position of support for SB 134 in my capacity with Trans Maryland.

Trans Maryland wishes the record to reflect our strong support for SB 134. Incarcerated transgender, nonbinary, and intersex persons are particularly vulnerable members of our society. We wish to ensure the ability for a fair and impartial office to receive and investigate complaints against the Department of Public Safety and Correctional Services (DPSCS) in regards to incarcerated transgender persons' safety and well-being, and this legislation is a crucial step towards that goal.

Why is this important? Solitary confinement is being used by DPSCS due to lack of safe housing for transgender, nonbinary, and intersex incarcerated persons, and that practice must cease. We are eager to collaborate with DPSCS to implement best practices moving forward. Our incarcerated transgender community members have shared that they have experienced: lack of access to their gender affirming hormone therapy, lack of access to medical and mental health providers who have undergone specialized trainings (such as WPATH certification) for providing care to transgender patients, requirements for them to undergo mental health evaluation before being permitted to start gender affirming hormone therapy - a practice that is out of compliance with the international standards of care which call for hormone therapy to be provided via informed consent ([WPATH, Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, 2022](#)), being subjected to violence by fellow incarcerated persons or correctional officers due to their transgender status, intentional use by correctional officers and staff of their former legal names after they have completed a legal name change, intentional use of incorrect pronouns by correctional officers and staff, and lack of access to affirming gender appropriate commissary such as makeup.

A temporary restraining order (TRO) was recently granted by United States District Court Judge Matthew J. Maddox against DPSCS in regards to plaintiff Chloe Grey's mistreatment while she was incarcerated with DPSCS. Quoting from a press release on December 5th, 2023, "Brown Goldstein & Levy first filed *Chelsea Gilliam, et al., v. Maryland Department of Public Safety and Correctional Services, et al.* on April 18, 2023, on behalf of Chelsea Gilliam, a transgender woman who was held at two men's correctional facilities, where she suffered sexual assault,

For more information, contact Lee Blinder, Executive Director of Trans Maryland at lee@transmaryland.org

Trans Maryland
1800 E Northern Parkway #66332
Baltimore MD 21239



denial of hormone treatment, and on-going harassment because of her transgender status. Later, Kennedy Holland and Chloe Grey joined the suit.”

It is clear the issues our incarcerated transgender community members are experiencing are numerous, and we need to create an independent office to ensure safety. Creation of this role can improve the data that DPSCS reports on regarding the safety of incarcerated persons under PREA (the Prison Rape Elimination Act), improves the overall environment in our prison systems for incarcerated people which leads to fewer situations that require lengthy documentation or investigation. When the incarcerated transgender population is referred to in an affirming manner by corrections officers and staff through use of their correct names and pronouns, that shows that gender identity is taken seriously by the Maryland Department of Corrections. This will have a positive ripple effect, and DCSPS will have not only a moral and ethical, but also a legal responsibility to rectify miscarriages of justice department wide. The first Black governor of Maryland, Governor Moore promised in his State of the State speech to leave no one behind. Leaving no one behind **includes** incarcerated transgender, nonbinary, and intersex incarcerated persons.

Trans Maryland has consulted with the leading legal organizations and legal entities representing incarcerated transgender persons, we have received direct communications from incarcerated transgender persons for the last 6 years, and all have shared with us that no transgender person is currently housed according to their affirmed gender in any DPSCS facility in Maryland. We are aware of at least 24 transgender people housed between 2 DPSCS facilities in Maryland (one referred to as a women’s facility by DPSCS, and one referred to as a men’s facility by DPSCS), and we would assume other locations have similar or more numbers of incarcerated transgender persons. Because of this we can assume that there is a discriminatory factor contributing to the housing of transgender incarcerated persons, and passing this crucial legislation would ensure a much needed recourse towards justice for these community members.

The respect agency and dignity of our incarcerated transgender, nonbinary, and intersex populations is paramount, and passing this legislation will ensure a pathway to rectify outdated practices and procedures and ensure that Maryland’s prison facilities under DPSCS are continuing to grow and evolve in their treatment of incarcerated transgender, nonbinary, and intersex populations.

For all of these reasons, **we urge a favorable report on Senate Bill # 0134.**

For more information, contact Lee Blinder, Executive Director of Trans Maryland at lee@transmaryland.org

sb134- corrections ombudsman- JPR 2-7-2024.pdf

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Judicial Proceedings Committee
on
Senate Bill 134
February 7, 2024
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for this opportunity to testify about the safety of individuals in the custody of the State of Maryland. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community located within every jurisdiction of our State.

Our assessment of the human, civil, and community effects of incarceration-as-criminal-punishment are shaped both from the experience of imprisonment in the long faith tradition (see, e.g., Is. 61:1c and Lk. 4:18b, II Cor. 11:23b and Matt. 25:36b) *and* our ministry projects inside prison walls. One of those projects is here in Maryland, the Community of St. Dysmas, an authorized worshipping congregation served by an ordained ELCA pastor. That community has been present on the inside of Maryland's correctional system at Jessup since 1985.

A cursory reading of news reporting, claims, and correctional breakdowns shows that the current administration of Maryland Corrections is balkanized into what amounts to fiefdoms. The State's custody responsibility needs consistent, reliably administered standards and oversight.

We support **Senate Bill 134**, because it proposes a way toward a more uniform set of essential standards and authority seated in the Office of the Attorney General. It strikes us that this is not unlike the AG review authority over policing conduct. The variety and persistence of State Corrections issues suggests that the Department, the State, and the incarcerated should benefit. We, thus, seek your favorable report.

Lee Hudson

Written Testimony - SB0134.pdf

Uploaded by: Madison Gestiehr

Position: FAV



Written Testimony
In Favor
SB – 0134 – Correctional Ombudsman

Submitted by: Madison Gestiehr
Student Attorney, Decarceration and Re-Entry Clinic
February 7, 2024

My name is Madison Gestiehr, and I am a student attorney testifying on behalf of the American University Washington College of Law Decarceration and Re-entry Clinic in support of the Correctional Ombudsman Bill. Our Clinic represents individuals who have served decades in Maryland's prisons, and we advocate for their release in Maryland Circuit Courts and at parole hearings.

In addition to providing testimony on behalf of the Decarceration and Re-entry Clinic in support of the Correctional Ombudsman Bill, I am also here today to express my support for the Bill as a proud lifelong Maryland resident.

Over the past few years, especially during my time advocating on the behalf of an incarcerated individuals, I have become increasingly aware of how we treat the incarcerated population in Maryland. And I am not only disgraced by it, but I am also utterly devastated that we haven't done more to prevent the harms that incarcerated individuals face every day. We need to do better, and the first step towards doing so is by establishing an Office of Correctional Ombudsman.

In my role in as a student attorney in the Clinic, I have had heard directly from incarcerated individuals and returning citizens about their experience in Maryland prisons. This past week, for example, I read letters from currently incarcerated individuals sharing their experiences with medical care in their correctional facilities. Unfortunately, within the overwhelming stack of

letters I reviewed, none of them had anything positive to share.

Among the stories, I read about two men who have gone completely blind because they haven't had their cataracts removed, despite pleading with the prison's medical staff for years about their vision loss, the associated discomfort, and their need for cataract removal. I also read a story about a woman who was a breast cancer survivor. For months she has complained of excruciating chest pain. However because her file identifies her as a breast cancer survivor, the medical team has brushed off her complaint suggesting that whatever she is feeling was probably a result her cancer. Despite the woman's insistence that the pain was not related to her breast cancer and required further observation, the medical team declined to schedule her an examination. This woman worries every day that she is going to get increasingly worse, continue to suffer in pain, or even die as a result of her condition before receiving a proper diagnosis.

These stories are, unfortunately, not unique. Every day, incarcerated people are turned away from treatment for internal pain they are experiencing solely because their wounds aren't visible. In practice, this means that unless you are bleeding in the moment, the infirmary won't conduct an examination..

Additionally, incarcerated individuals are given Tylenol or Ibuprofen to manage whatever symptoms they are experiencing even if it's not an adequate remedy. In one case recently, an incarcerated individual, Calvin C. Murray, who is housed at the Eastern Correctional Institute suffered a mild stroke due to a heart rhythm disorder, which left him partially paralyzed for six days.¹ Mr. Murray has since sued YesCare, the private company responsible for providing medical care in Maryland prisons, for their subpar medical response which was to give him 600 milligrams of Ibuprofen.²

Mr. Murray's lawsuit against YesCare is one of more than a half-dozen that have been filed by

¹ Ben Conarck, *The Legal Gymnastics and Thorny History of Maryland's Correctional Health Care Provide*, BALT. BANNER, (Oct. 17, 2023, 5:46 PM), <https://www.thebaltimorebanner.com/community/criminal-justice/yescare-maryland-bankruptcy-lawsuits-AF3KEDN3K5F3TIVNQE3G5SYFCI/>.

² *Id.*

incarcerated individuals in Maryland against the company in 2023.³ Additional lawsuits against YesCare include cases where an incarcerated individual did not receive medication their seizure disorder and where an incarcerated individual was denied treatment for deep vein thrombosis.⁴ These experiences can be avoided if there is independent oversight focusing on the overall medical care provided.

Another concerning matter is that an [evaluation](#) of YesCare (formerly known as “Corizon”), written by Private Equity Stakeholder Project researcher Michael Fenne, documents how the private company manipulated bankruptcy law to evade liabilities for the conditions of the incarcerated patients in its care.⁵ By undergoing a restructuring process, YesCare was able to continue to operate while shedding liabilities against it stemming from over 1,000 lawsuits filed by incarcerated individuals and their families, which alleged substandard medical care, into a different business entity. Below, while not exhaustive, is a list of claims brought by incarcerated individuals and their families against YesCare under its former name “Corizon”:⁶

- **Inadequate treatment of acute and chronic illness**, exemplified by a case of an incarcerated individual who died three days into a six-day sentence after Corizon providers ignored his complaints of intense pain which was caused by an entirely treatable existing condition that the medical providers should have been aware of and looked into);⁷

³ *Id.*

⁴ *Id.*

⁵ See Michael Fenne, *YesCare Dodges Liability for Prison Conditions*, PRIVATE EQUITY STAKEHOLDER PROJECT (Oct. 2023), https://pestakeholder.org/wp-content/uploads/2023/10/PESP_Report_YesCare-Corizon_2023.pdf; see also *YesCare Dodges Liability for Prison Conditions: Merger, Division, and Bankruptcy*, PRIVATE EQUITY STAKEHOLDER PROJECT (Oct. 17, 2023), <https://pestakeholder.org/reports/yescare-dodges-liability-for-prison-conditions-merger-division-and-bankruptcy/>.

⁶ Letter from Senator Elizabeth Warren, Senator Mazie Hirono, Senator Richard Blumenthal, Senator Richard J. Durbin, Senator Jeffery A. Merkley, Senator Ron Wyden, Senator Bernard Sanders, Senator Cory A. Booker, and Senator Peter Welch to Jeffery Sholey and Yitzchok Lefkowitz (Oct. 24, 2023), <https://www.warren.senate.gov/imo/media/doc/2023.10.24%20Letter%20re%20Corizon%20Texas%20Two-Step.pdf>.

⁷ Nicole Einbinder & Dakin Campbell, *Hidden Investors Took over Corizon Health, A Leading Prison Healthcare Company. Then They Deployed the Texas Two-Step*, BUS. INSIDER (Aug. 21, 2023), <https://www.businessinsider.com/corizon-health-bankruptcy-yescare-texas-two-step-law-2023-8>

- **Lack of adequate psychological care**, evidenced by a detention center which Corizon has chosen to staff just a single psychiatrist even though the facility houses 400 individuals struggling with their mental health;⁸
- **Failure to adequately staff facilities**, including at a facility in Oregon which Corizon left without a registered nurse for almost 20% of the time even though a registered nurse is supposed to be on call at all times;⁹
- **Refusal to prescribe appropriate medications**, with one nurse alleging that she was explicitly asked by Corizon “not to prescribe medications that [she] felt . . . were necessary”;¹⁰ and
- **Failure to rectify a culture of sexual abuse and misconduct**, for example at Rikers Island facility in New York, where two Corizon staffers were indicted on multiple charges of rape, sexual abuse, and related crimes.¹¹

Both, the many stories I have encountered and shared with you, detailing inadequate healthcare within Maryland’s prisons and our state’s choice to permit YesCare to remain as the healthcare provider for our incarcerated population underscores the urgent need for a Correctional Ombudsman. It is time we step up, extend care, and provide incarcerated individuals the medical services we all demand for ourselves.

The plea for a Correctional Ombudsman is a demand for accountability and a crucial step toward rectifying systemic flaws. An independent oversight committee is indispensable to investigate and monitor YesCare's operations, ensure that incarcerated individuals are receiving healthcare that aligns with legal standards, enforce accountability, and ultimately safeguard the well-being

⁸ Jason Szep, *Special Report: U.S. Jails are Outsourcing Medical Care – and the Death Toll is Rising*, REUTERS (Oct. 26, 2020), <https://www.reuters.com/article/us-usa-jails-privatization-special-repor/special-report-u-s-jails-are-outsourcing-medical-care-and-the-death-toll-is-rising-idUSKBN27B1DH>.

⁹ Rebecca Woolington, *Dying Alone: A jail Inmate’s Health Spiraled for 7 days and No One Stopped It*, THE OREGONIAN (Apr. 10, 2016),

https://www.oregonlive.com/washingtoncounty/2016/04/dying_alone_a_jail_inmates_he.html#incart_big-photo.

¹⁰ Jason Szep, *Special Report: U.S. Jails are Outsourcing Medical Care – and the Death Toll is Rising*, REUTERS (Oct. 26, 2020), <https://www.reuters.com/article/us-usa-jails-privatization-special-repor/special-report-u-s-jails-are-outsourcing-medical-care-and-the-death-toll-is-rising-idUSKBN27B1DH>.

¹¹ Erika Eichelberger, *In Harm’s Way: Seeking Medical Care, Female Rikers Inmates Say They Faced Sexual Abuse*, THE INTERCEPT (Sept. 10, 2015), <https://theintercept.com/2015/09/10/female-rikers-inmates-medical-care-sexual-abuse-allegations/>.

of those within our correctional facilities. The establishment of an Ombudsman is not just a policy recommendation; it's a moral imperative for a more humane and rehabilitative correctional system.

I urge you to vote favorably on this legislation.

SB134MTsiongasTestimony.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

**TESTIMONY ON SB134
CORRECTIONAL OMBUDSMAN BILL**

**Senate Judicial Proceedings Committee
February 7, 2024**

SUPPORT

Submitted by: **Magdalena Tsiongas, MPH**

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

I, Magdalena Tsiongas, am testifying in support of SB134, the Correctional Ombudsman Bill. I am submitting this testimony as the family member of an incarcerated person in a Maryland prison.

The creation of The Office of the Correctional Ombudsman through SB134 will allow for independent oversight of Maryland prisons. The conditions inside Maryland prisons generally remain a mystery to the public and elected officials. Oversight currently is done internally, by Department of Correction staff, limiting what information is made public. However, for those of us with family members behind the walls, we know too well what conditions they face.

My own loved one, who has served almost 2 decades in prison, often doesn't mention to me the near daily issues that he and others face, as they have become a constant part of life. Just this past month, they went weeks without heat in the middle of January. I only discovered this when going to visit my family member and having to sit in a freezing visiting room for an hour myself. But I got to leave and go sit in my warm car after, and he and hundreds of other men housed there had to go back to cement cells with no heat. Similarly, last winter, they went weeks without hot water in the prison.

Ongoing infrastructure problems are only one of many issues incarcerated people face. The DPSCS is woefully incapable of providing for the ongoing medical issues of an often chronically ill and aging incarcerated population. For example, again this past month, my loved one was in severe pain from an ongoing medical issue. However, because his symptoms worsened on a Friday night before a holiday weekend, he knew he would be unable to see a doctor until the following Tuesday. As predicted, when he went to see the weekend nursing staff, he was brushed off and told he must be high, and that is why he was experiencing his symptoms. Medical emergencies do not only take place during working hours. I hate to think what would happen in the case of a severe medical emergency. I have seen men come home from decades behind the bars and have multiple ongoing health issues that they are now faced with, that were never addressed when they were in prison.

The approach of a Correctional Ombudsman Office is not novel, as twenty other states and the federal penal system have implemented independent Correctional Ombudsman or Inspector

General offices to oversee their respective prison systems. There must be accountability from those in power for the inhumane conditions faced daily by incarcerated people in Maryland.

For these reasons, I encourage you to vote **favorably** on the **Correctional Ombudsman Bill SB134**.

Thank you.

SB 134 _MB obo 2 testimonies.pdf

Uploaded by: Margaret Barry

Position: FAV

William R. Hinton, II
#222-834
Jessup Correctional Institution
P.O. Box 534
Jessup, Maryland 20794

JANUARY 2024

The Maryland Legislature
Annapolis, Maryland 21401

SB0134/HB0297

To the Maryland Legislature,

It is my heartfelt desire for effective change in the Maryland penal system that I write to you today in support of the Ombudsman Bill that is being submitted for your approval this legislative session. For the past twenty years, I have been employed as a craftsman in the sewing industry with Maryland Correctional Enterprises, Inc. at the Jessup Correctional Institution. Formerly, I worked as a legal research clerk, in the institutional library, assisting inmates with their criminal cases. I was educated at Towson State University and during my incarceration, dating back to 1991, I obtained certification to conduct workshops in conflict resolution. I have facilitated numerous workshops with inmates at Jessup in conjunction with the Alternatives to Violence Project (AVP) and the Maryland State Department of Education.

Over the course of my 32 years of continuous incarceration, I have only been housed in two institutions - the Maryland State Penitentiary (1992-1996) and Jessup Correctional Institution (formerly known as MHC-X) (1996-present). In this time, I have been a witness to the erosion of the Department of Correction in every facet of its operation and I am here to tell you why, and how to fix it. First of all, three major aspects of the prison - medical services, dietary services, and commissary services - have all been privatized, with little oversight or accountability. Because there is an incentive for these businesses to make a profit, inmates are often denied basic services for which the contracts stipulate. And, it's all interrelated, poor nutrition leads to medical issues. A poor selection of food in commissary leads to medical issues, most notably diabetes. There is not enough mental health services, particularly drug abuse counseling, for the continuous stream of new, and old, inmates. The buildings we are housed in are overgrown with mold in the ceilings (Sick Building Syndrome) for which countless inmates will suffer lung disease for the rest of their lives. All of this with no oversight or accountability. Sure, you can put lipstick on a pig (a freshly mown lawn, new paint on the doors) but if you truly look deeper, you will find all is not well.

Now that I've touched on just a few of the issues that need to be addressed in the Department of Correction, let me tell you the first step in how to fix it . . . if you are so inclined. Oversight and accountability, it's that simple. The Ombudsman Bill is designed to implement these two elements into the system in order for it to operate as mandated by statute. Sure, there are some in a position of authority that will oppose such a measure but I encourage you to ponder as to why. Why would anyone want the Department of Correction to starve its incarcerated members from the basic services the public has paid for out of its taxes? Corruption, a lack of oversight and accountability. It's that simple.

Honesty is the cornerstone of every corrective action known to man. I encourage you to take an honest look at the Division of Correction and realize that only through oversight and accountability can we move forward in a productive manner for all concerned. When you vote YES for the Ombudsman Bill, please know that you are making Maryland a safer place to live for everyone. Thank you for your anticipated support of this measure!

Sincerely yours,


William R. Hinton, II

FOR SUPPORT OF THE CORRECTIONAL OMBUDSMAN BILL

Name : Richard L. McLeod,

1013820/190814

Location: Jessup Correctional Institution, (JCI)

November 8, 2023

TO THE MARYLAND GENERAL ASSEMBLY:
Proceedings and Judiciary Committees,

Judicial

IN FAVOR OF THE CORRECTIONAL OMBUDSMAN BILL SB0134/HB0297

Greetings Sir and Ma'am:

I appreciate your time and consideration regarding this most important issue. I have been incarcerated in the State of Maryland for nearly the last thirty-seven years. I have spent the lions share of that time here at Jessup Correctional Institution (JCI) in Jessup, Maryland. Formerly known as the Jessup Annex, it has had a very colorful history. Most of which I'm certain you are not going to be aware of. I hope to be able to shed some light on this while explaining my SUPPORT for the upcoming CORRECTIONAL OMBUDSMAN Bill.

I arrived at JCI, then referred to as the Annex in June of 1993 from Patuxant Institution (also in Jessup) where I had been since 1987. There is and has been a consistent issue with regards to the Administrative Remedy Process. That being the fact, you can NOT rely on any entity or agency to investigate itself. The Department of Public Safety and Correctional Services (D.P.S.C.S.) is no different. There has been a long-standing issue of getting proper responses to A.R.P.'s when filed within individual Prisons. There is an unfortunate long history in this State in its Prisons connecting to major disturbances caused by the populations inability to have their issues properly heard and addressed by the Administrations due to the A.R.P. Coordinators having run interference rather than seeking appropriate relief. How does this happen? It begins with inordinate delays that violate procedures, granting extensions to the administration as a rule without necessity that extends beyond procedural time-lines, failure to properly investigate alleged mis-conduct and or allegations. There have been many instances where men have been directly or in-directly threatened as a consequence of filing a remedy not to mention the many instances where men have been subject to retaliatory actions including but not limited to shake-downs, being placed on Administrative Segregation, or even transferred to another Institution all

together. The frustration of living under these types of environments has led to violent out-breaks such as the incident in 1997 that resulted in multiple people including both Staff and Incarcerated Citizens.

Having an out-side source of either over sight or accountability would absolutely change the over-all circumstance earlier referenced here. When it is known and understood that there is no longer a space for arbitrary or capricious responses to properly filed Institutional complaints, there will be an immediate change in the processes as they occur in the prisons.

Where outside complaints are concerned, you will find that more often than not the individual complainant received a more appropriate response to their complaint. Primarily due to the Administration fearing higher authority being made aware of the situation. Outside complaints are usually directed to either a Commissioner or even the Secretary's office. This actually high-lights the point of an outside over-sight having a direct effect on a particular situation.

I Thank-you in advance for your time and patience in this long standing concern and look forward to seeing a positive result in the up-coming Legislative session. I reiterate my support for the upcoming Correctional Ombudsman Bill.

With Respect,



Richard L. McLeod, C.P.R.S.

#1013820/#190814

Cc;rlm

file

SB 134 MB obo AnonTestimony.pdf

Uploaded by: Margaret Barry

Position: FAV

11-24-23

[REDACTED] # [REDACTED] / [REDACTED]
 P.O. Box 549 / MCT-Jessup

JANUARY 2024

To the Maryland General Assembly
 Judicial Proceedings and Judiciary Committees,

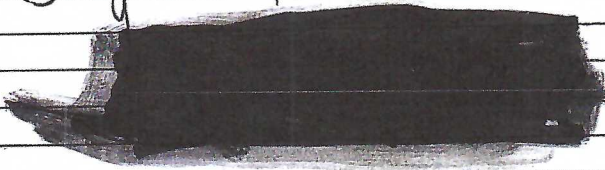
Under Paragraph # 2
 CONCERNING Medical, ARP/OP PROCESS,
 AND Facility Operations. IN FAVOR - Correctional
 Embudsman Bill #

Now starting with myself
 and I'm sure others, I'm suffering with
 Chronic Arthritis in my left hip joint
 For more than a year. Here lately I've been
 having a lot of trouble with my hold right
 side. I've been asking for an XRAY,
 MRI or a Kat Scan to find out exactly
 what's causing all this pain. Now half
 of both of my feet are numb. I wrote
 an ARP and all medical wants me to do
 is sign off. How is that going to help
 me with my problem. The Arthritis has
 EATEN AWAY SO MUCH OF MY LEFT

Page 2 of 2

hip joint that I AM inch shorter
on my LEFT side, so I'V BEEN WEAR-
ing SPECIAL MEDICAL SHOES WITH
A ONE INCH LIFT. I EVEN SPOKE
to different WALK FACILITY OPERATORS
AND ALL THEY SAY TO ME IS WALK TO
MEDICAL. WHY? MEDICAL IS THE PROBLEM.
PLEASE HELP US ALL WITH THAT.

With Hope & PRICE



Letter #2

Concerning: Case Management

The problem here with that is they all have a day called open house. Most of the time they don't even come to the office area that they have on the compound. They also have an office up front where we are out of bounds. That's where they hide. Everybody has different case workers. If you try to ask another case worker an important question the only thing they say to a person is I'm not your case worker and walk away. It really shouldn't be that way.

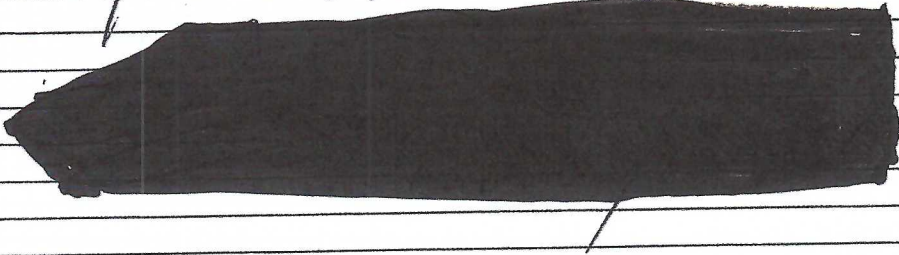
Thank You.

Letter #3

CONCERNS: THESE TABLETS

The problem with these tablets is they keep going out. Something's wrong that shouldn't be happening. We pay \$22.00 a month and we last any where from three to six days a month. What the company should do is put up some kind of strong Buster that would work to make the tablet receive better.

Thank You Very Much
For your time.


P.S. PLEASE DON'T MENTION
MY NAME

SB134_WDC 2024 Testimony_Support.pdf

Uploaded by: Margaret Barry

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill 134, Office of the Attorney General - Correctional Ombudsman Unit
Judicial Proceedings Committee – February 7, 2024
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 2024 legislative session. WDC is one of the largest and most active Democratic clubs in our state with hundreds of politically active members, including many elected officials.

WDC urges the passage of SB134. As it did last year, WDC is joining with the Maryland Alliance for Justice Reform and other advocates to urge passage of SB134, to establish a correctional ombudsman unit. We appreciate Senator Hettleman's leadership in sponsoring this important legislation.

The health and safety of our communities are intrinsically linked to our system of incarceration and how we treat people who are or were behind the walls of our prisons. The impetus for this bill is a history of unacceptable conditions. It recognizes that independent oversight could help pave the way for the transformative change that is in all our interests. A functioning, non-corrosive and ideally rehabilitative system is important to the WDC membership.

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 inhumane. Over the years and most recently in 2023, prison staff members have been found guilty of crimes that include gang membership, violence, and drug smuggling.¹ We also know that thousands of people are released from Maryland prisons each year with overwhelming challenges because of their prison experience.

People behind the walls complain about abuse - including isolation and related health problems, unhealthy sanitation, unfair work conditions, poor healthcare, and visitation policies that do not support families. Many have submitted written testimony for your consideration that shares their experiences. People leave prison with mental and physical health disorders that were caused by their experiences inside, including excessive use of solitary confinement. The disorders are not adequately addressed because of the lack of services, treatment, and the deep impact of the harm inflicted. Apart from trauma, inadequate training and education opportunities leave returning individuals unprepared to effectively reintegrate and take on roles as partners, parents, caregivers, employees, and community residents. Moreover, both the people who are

¹ See Maryland Alliance for Justice, *Prison Oversight: Establishing a Maryland Correctional Ombudsman*, <https://www.ma4jr.org/ombuds/> (last visited January 18, 2024)



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

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.

In FY 2023, the Maryland Department of Public Safety and Correctional Services (DPSCS) reported that there were approximately 15,425 people in Maryland's prisons, 71.5 percent of them are Black.² 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 to improve.

Based on what we know about the culture and conditions in Maryland prisons and jails, we believe that having an independent ombudsman tasked with conducting investigations of prisoner complaints, making unannounced inspections of facilities, assessing services, programs and policies, making its findings public in annual reports, and taking further action as needed would be instrumental in getting DPSCS on track to address the long-standing systemic problems in its prison facilities. This simply has not happened with the Department's internal review commission.

By passing SB134, 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 SB 134 and urge a favorable Committee report.

Tazeen Ahmad
WDC President

Carol Cichowski and
Margaret Martin Barry
WDC Criminal Justice Reform
Subcommittee

Cynthia Rubenstein
Co-Chair, WDC Advocacy

²https://dpscs.maryland.gov/community_releases/DOC-Annual-Data-Dashboard.shtml at 2-3 (last visited January 18, 2024)

SB 0134 - OMBUDSMAN - FSN - MARTINA HAZELTON 01.30

Uploaded by: MARTINA HAZELTON

Position: FAV

February 7, 2024 @ 1:00pm (Senate Hearing)

Maryland General Assembly
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: SB 0134 – Office of the Attorney General – Correctional Ombudsman Unit
SUPPORT

Please accept my written testimony in support of Senate Bill 0134 (HB 0297). I am testifying on behalf of Family Support Network (FSN) and from my personal experience.

FSN is a network of individuals with incarcerated loved ones, returning citizens and advocates that support one another and serve as a voice for those behind the wall. I have the lived experience and remain near to those that are dealing with the daily challenges of having an incarcerated loved one. Those challenges often include treatment within the facilities, conduct of DPSCS staff, medical services, and visitation.

I have personally encountered a situation that I would have elevated to a governing body outside of DPSCS if it existed. The metal detectors that must be cleared before being granted access for a visit are inconsistent and unreliable. This is specifically true for women who wear bras. The size, style and material in the bra can set off the metal detector. Correctional staff vary in their approach and handling of this issue. A few years ago, I attempted to visit my husband at WCI on Thanksgiving Day. On this day my bra set off the metal detector. Correctional staff told me if I set the metal detector off three times I would not be allowed to enter for the visit. I made a second attempt and the metal detector went off. I went to the bathroom and removed my bra when I returned for my third attempt, I was told I could not enter without a bra. I asked for the supervisor to which he also said I could not enter. My daughter was allowed to enter for the visit and I had to sit in the car for the duration. While some may think being denied for a visit is not a big issue but, for my husband and I it was heartbreaking. I drove two and half hours to Cumberland, Md on a holiday no less only to be told that because of my bra I would not be allowed to enter. The correctional officer was rude and condescending throughout this ordeal. In my many years of visiting multiple correctional facilities I have found the correctional staff are often unpleasant and make you feel unwanted. I truly believe their goal is to treat visitors as bad as they can so you will not want to come back. I visited my husband regularly and I have seen this bra incident happen numerous of times. I have seen women be allowed to remove their bra and be given the opportunity to put it back on in the restroom on the other side of the metal detector. I have seen the hand wand metal detector used on the woman's back to ensure the claps are the cause of the metal detector sounding. I have seen some correctional staff wave a woman through without any additional screening. I know for sure I was not treated fairly and was made to feel as if I had done something improper. Bras setting off the metal detectors is commonplace so my question has always been why hasn't DPSCS instituted alternate screening to resolve this issue. This situation I encountered should have been handled differently and there

should have been someone I could have elevated this issue to that would have evaluated the complaint objectively and independently.

I have many incidents that I could list about the wrongdoings of DPSCS and the improper handling of the incarcerated persons and their loved ones. A Correctional Ombudsman Unit is needed in Maryland. There absolutely should be an entity that exist outside of DPSCS to conduct investigations, reviews, and assessments of administrative acts.

On behalf of myself and FSN I hope that you will unequivocally support this bill and move it forward with a **favorable** vote.

Respectfully,

Martina Hazelton

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3937 1/2 Minnesota Ave, NE
PO Box 64093
Washington, D.C. 20029
Website: thefamilysupportnetwork.org



SB 134 (ombuds) favorable.pdf

Uploaded by: Melissa Rothstein

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: SB0134 Office of the Attorney General – Correctional Ombudsman Unit

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/6/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Sente Bill 134.

Independent oversight and expanded opportunities to improve and reform current conditions within Maryland's correctional facilities is long overdue. 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 house, plumbing and sanitation deficiencies, and insufficient heat. The COVID pandemic has added to the urgency of this oversight need as conditions that spread outbreaks and stifle recovery require accountability and response.

Some recent concerns that have been raised to our office, and would have benefited from an ombudsman, include:

- Denial of needed medical care, including lack of access to prescribed medication.
- Aggressive, threatening, and retaliatory behavior by correctional officials;
- Miscommunications causing incarceration beyond the release date;
- Excessive use of lockdown and solitary confinement due to staffing shortages and unreviewed disciplinary matters.
- Lack of heat in the winter, without access to warm clothing, and lack of air conditioning in the summer;
- Lack of accommodations and needed equipment (eyeglasses, wheelchair) for individuals with disabilities;
- Lack of access to feminine hygiene products;

- Unsanitary conditions, including roach and/or rodent infestations, excessive mold, and flooded cells;
- Delays in mail delivery and lack of access to the designated bin for legal mail, resulting in missed filing dates on pro se proceedings;
- Lack of safety measures for transgender individuals.

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, 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.

Whether or not housed in the Attorney General's Office, similar independent oversight is needed for adults. 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 accommodated, and other vulnerability factors (LGBTQIA+ status, non-English speaking, etc).

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. 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 134.

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

Authored by: Melissa Rothstein, Chief of External Affairs,

melissa.rothstein@maryland.gov, 410-767-9853 .

SB 134 Correctional Ombudsman Bill

Uploaded by: Michele Kouadio

Position: FAV

Thank you Senator Smith for hearing my testimony supporting Senate Bill 0134 The Correctional Ombudsman Bill.

My son has been at the Eastern Correctional Institute for over 7 years now.

He has suffered medical and dental issues that were not addressed within an appropriate time frame. This caused episodes of excruciating pain. I had to call the warden's office and he was seen, yet long-standing dental issues identified two years ago remain.

During the months of April-October the heat in the cells climbs to over 100 degrees - there is no air conditioning in the cells and personal unit fans do not alleviate the torturous heat for up to 24 hours a day.

I've encouraged my state representatives to visit ECI and so far their attempts to schedule visits have been difficult. While I know those visits will happen eventually the frustration underscores the importance of having an Ombudsman with authority to have unannounced access.

Maryland prisons are 3200 staff short according to an AFSCME Council 3 report in Maryland Matters April 2023 yet only 400 vacancies are approved by DPSC. Staff shortages cause some misuse of solitary confinement, lockdown for 23 hours a day in a cell, curtailment of educational, rehab and religious services and unsafe conditions for prisoners and staff.

My son's plight is like that of many others surviving in Maryland prisons - they need a real chance to live out their term and to be whole rather than debilitated when returning to Maryland society.

Thank you Senator Hettleman for sponsoring this important bill on behalf of Maryland citizens.

Yours truly
Michele Kennedy Kouadio
MAJR Behind The Walls

NCADD-MD - 2024 SB 134 FAV - Corrections Ombudsper

Uploaded by: Nancy Rosen-Cohen

Position: FAV



Senate Judicial Proceedings Committee
February 7, 2024

Senate Bill 134 – Office of the Attorney General - Correctional Ombudsman Unit Support

NCADD-Maryland supports Senate Bill 134. 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 are grateful to the sponsor for explicitly including that issues related to services for substance use disorders 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.*¹

Experts acknowledge that conditions for people who are incarcerated improve when systems are in place to monitor quality.² We ask for one rather technical amendment on page 4 in line 19, changing “SUBSTANCE ABUSE ASSESSMENT” to “SUBSTANCE USE DISORDER ~~ABUSE~~ ASSESSMENT.”

With this one change, we urge a favorable report on SB 134.

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.

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

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

AG Ombudsman Bill.pdf

Uploaded by: Natasha Khalfani

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 0134 Office of the Attorney General- Correctional Ombudsman Unit

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 02/06/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0134.

Incarcerated people are subject to inhuman conditions and treatment during their time of incarceration. When complaints are made, those complaints are ignored because incarcerated people are forced to submit complaints to the very agency that is responsible for maintaining the problematic conditions in the first place. The Office of the Public Defender is submitting testimony on behalf of incarcerated people in support of this bill. We feel this testimony will show why SB0134 should be passed.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 0134.

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

scan_moyd_2024-01-29-14-45-58.pdf

Uploaded by: Natasha Khalfani

Position: FAV

Keri L Schneider, #925-218
MD Correctional Institute for Women
7943 Brockbridge Road
Jessup, MD 20794

January 2024

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR- Correctional Ombudsman Bill # SB0134/HB0297

My name is Keri L. Schneider (nee Killion) and I have been a Maryland resident all of my life. I am a fifty-one year old female and mother of one child. I became incarcerated in 2008 and, at this point, I am not scheduled to be released until after 2050. I support a favorable vote in support of the Ombudsman bill.

The problems in the facility are many-fold but today I would like to concentrate on inadequate mental health care and lack of proper health care.

Regarding mental health care, there is one therapist (sometimes two) that covers the entire population here at MCI-W. Most people are unable to be seen at all and those that are have minimal time at infrequent intervals with their therapist. The list of approved medications has gotten smaller over the years and the psychologist throws the same five drugs at everyone hoping they will work for someone. I am prescribed my mental health medications to be administered at 5:00am and 5:00pm as my Lithium is best taken at an even twelve hours apart. This worked well for me. Recently, the administration determined that they would do away with 5:00pm medication call, regardless of our needs and what our doctor might say. I have talked to my doctor about this, she says it is out of her hands. I requested to be put on "Yellow Pass" which is a medication call at 5:00pm in the nurses office. I was told that wasn't for people with psych meds. I sometimes get my evening medication as late as 9:00pm and I suffer every night waiting for medication call. *My doctor recognizes that I do better with my meds at evenly spaced intervals and there is a "Yellow Pass" call at 5:00pm, but I am not allowed to go because my medication is psychiatric.*

The next mental health issue regards those who go to Treatment Services under a suicide watch. They do not receive counseling during this time. They may be seen for a brief moment in a treatment meeting but basically are left to themselves in the cold cell. If they weren't sure if they wanted to commit suicide when they went over there, they usually want to by the time they leave. There is no help available for these women. They are observed by other inmates who watch them in the cell but are not supposed to talk to them. This process is broken, provides no counseling for the inmate who leaves suicide watch no better than when they came in.

My main health care complaint is the lack of preventative care for incarcerated women. We do get annual mammograms and pap smears but prevention stops at that. I have been here for 15 years and have about 30 more years to go and I don't want to die in prison.

When I asked about colon cancer screening, I was told that they didn't do that here. The way they tell if we have colon cancer is if the levels in our blood change. Those blood levels will only change once we have the cancer, not allow preventative steps to be taken.

Another woman incarcerated here is in remission for breast cancer and was told six weeks ago that her cancer numbers had increased and they wanted to send her back to her oncologist. Six weeks later she still hasn't gone out. During this time, her cancer is likely spreading each day that she doesn't have treatment.

In May 2022, Dr. Berger, my podiatrist, said that I would be sent to Hanger to have insoles made especially for my feet. I have bunions and plantar fasciitis and my feet hurt *ALL OF THE TIME*. I have followed up with the scheduling nurse several times and still have not been sent out. I suffer every day and my insoles could alleviate at least some of this pain.

If inmates can elect to be transgender and receive hormone shots and breast reductions, why can't I get a recommended colon cancer screening?

I feel as though an Ombudsman would weigh the issues at hand and make an impartial decision. I believe that the decisions made here are to save a dime without regard to our health or wellbeing. People are dying and have died here from lack of early diagnosis.

I, Keri Schneider, am asking for a FAVORABLE VOTE in support of the Correctional Ombudsman Bill. Thank you for your time and consideration in these matters.

Keri Schneider

December 12, 2023

SB 0134/HB 0297

To Whom It May Concern:

I would like to humbly petition for lower cost of Commissary and Institutional Catalog Items, for incarcerated individuals to just and reasonable pricing and selection. Statics shows that the majority of the population comes from middle to lower class citizens. At this time, it is pricey for any and all Americans to live on the outside, therefore can you imagine the struggle for a prisoner? If one does not have some relief from the outside and/or an instructional position making pennies on the dollar (literally,) they will not be able to obtain the things we need, nor less want.

As an incarcerated person, we do not have options, especially the option to shop around for deals or be privy to sales or discounts. Amazon, Giant, Safeway are neither available, nor Black Friday or Cyber Mondays available to us. More than likely, this is yet another inflated price tag passed down to our families and friends to attempt to help provide for our wellbeing.

I am asking for some "Just Mercy" in our situation. Are we all not implicated, when we allow other people to be mistreated? This is definite mistreatment when the prices are so inflated to accommodate the 30% of the net profit that comes back to the state of Maryland and from Keefe and other institutional catalogs. They are getting over and misusing the power to be fair, firm and impartial. If the roles were reverse, they would be the ones writing this petition for legislation in their favor. Somewhere along the lines greed superseded humanity and the bottom line profit is all they see.

Our families are tax-paying voters for the state of Maryland. I am not debating the fact that we are incarcerated for restorative justice and to be reformed for release back into society. There has to be a better way to provide for us and meet the bottom line in profit without exploiting the disenfranchised people of the state and our families.

Thank you for your time and attention to this very important matter. I am looking forward to a positive change for the future.

Kindest Regards,

Nicolle Jackson
2559813/920-444

Kimberly Hricko #1799437
Maryland Correctional Institution for Women
11/19/2023

To the Maryland General Assembly Judicial Proceeding and Judiciary Committees

IN FAVOR-Correctional Ombudsman Bill SB0134/HB0297

I am a Maryland resident and have been incarcerated at MCIW for nearly 26 years. In that time there have been five governors, seven wardens, and thousands of correctional officers and associated staff directly affecting living conditions within our prisons. Until the pandemic I would have said it was possible to maintain a decent quality of life here. I would not say that now. Conditions here have hit a new low and our immediate administration is unresponsive to our pleas. For this reason I support a favorable vote in support of the Correctional Ombudsman Bill.

The lack of independent oversight for essential operations coupled with the labyrinthine ARP/IGP process permits a wide spectrum of harmful situations to occur inside Maryland prisons. The ARP process, an inmate's only avenue for serious complaints, is essentially the prison system policing itself. An Institutional ARP Coordinator (usually an officer or case manager) is responsible for answering ARPs within each prison. It is normal to receive a "dismissal" at the prison level for even the most egregious violations. The warden signs these responses, without reading them I believe. This initial phase of the process may take up to 45 days and usually does. The warden's decision may be appealed to the Commissioner of Corrections. This normally leads to another dismissal and takes another 45 days or more. The third step of ARP process is an appeal to the Inmate Grievance Office for a hearing before and MD Administrative Law Judge from the office of Office of Administrative Hearings, unaffiliated with DPSCS.

Here's the rub. The gatekeepers of the IGO hearing process, are located within the ARP office at DPSCS Headquarters. DPSCS decides which issues move forward. While it is still possible to get a hearing on an issue, the chances have been reduced to a fraction of what they were before the once independent IGO office was absorbed by DPSCS.

The Office of Administrative Hearings provides MD inmates with a proper hearing of the complaint and can yield fair results but it takes over a year to get there. Many issues are more pressing than that, but ARP is our only tool. In addition to the length of the process, there are many delays, deadlines and dead ends that can prematurely end the ARP process. By design, only the most experienced inmates are able to navigate the path and obtain a solution to their issue. Most don't try, finding the ARP an empty process.

Independent oversight could address basic complaints in a timely manner before they become critical or wide-spread systemic issues.

Please give your favorable vote for the Correctional Ombudsman Bill

Robert Pittman #305353
2020 Toulson Rd, Jessup, Md
1-10-24

TO: The Maryland General Assembly Judicial
Proceedings And Judiciary Committees

RE: To Gather Support for the Correctional
Ombudsman Bill SB0134/HB0297

I am a life long Maryland resident who
has been incarcerated within DPSCS facilities
the last 23 years and I am writing
urging for your support of a favorable vote
in support of the Ombudsman Bill.

There are many challenges that are
within DPSCS for not having an independent
oversight over the correctional operations;
But I am only going to focus on one.

Once I was placed in a cell that had no
heat and had a rock placed in the window
by a Correctional Officer so it couldn't close.
It was so cold that the water in the toilet
was frozen. I repeatedly ask the officers
if they could take the rock out of the
window and was told "NO!". I was so cold

That I had to cut open the mattress, put all of my sheets and blankets inside, and climb in. I was within this element for about a week. I was there until a Captain came through and seemed a cut mattress. He said opened the cell to see "Why I destroyed State property". When he opened the door he understood instantly. I was moved at that moment. I was moved but no one was held accountable for treating a human being in such a way.

Most, if not all, of the issues within this facility are occurring because of a lack of accountability. An independent oversight will resolve these issues or bring them to light before they become wide-spread systemic issues.

Enclosing, what happens in jails and prison does not stay inside jails and prisons. It comes home with returning citizens after they are released and correctional officers at the end of each day's shift. When people live and work in facilities that are unsafe, unhealthy, unproductive, or unhumane, they carry the effects home with them. We must create safe and productive conditions

Of confinement not only because it's the right thing to do, but because it influences the safety, health, and prosperity of us all.

Due to this, I urge you to vote in favor of this bill. It will not only make DPSAS better, it will make society better.

Thank you
Robert Pittman

Matthew Lopez - 488404

2020 Toulson Road, Jessup, MD, 20794

12-19-2023

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees.

RE: Supporting the Correctional Ombudsman Bill
SB0134/HB0297

I have been a Maryland resident for the past 24 months incarcerated within DPSCS Facilities. I'm writing pushing for your vote, in support of the bill.

There are many challenges that are within DPSCS for not having independent oversight over the Correctional operations. My main focus points will be on the following; Case management, vocational programming, and outside recreation.

All statements made are things I have personally went threw and seen others go threw.

Casemangement upon arrival may take up to 30 days to be seen. Most case managers will see you either on your 30th day or even past that.

When you finally see the case managers, they will tell you they put in your paperwork, or get you assigned, but never really put it in. After weeks go by, you'll still be sitting wondering what's happening, write request but never get a response; only ~~the~~ to realise they will tell you it was never put in. When they finally put it in 2, 3 even 4 months will go by, not only costing you good days for working, but money as well. This goes for all paper work, Home detention, work release, programs, and even home plans. I myself I have been denied home detention, because I have an in interstate compact to Massachusetts. But was never shown paper work. I was told they put my work release paperwork to later find out (2 months later) it was never put in. It took for family and friends to call, email, harass to get a direct answer from someone. I was even told to have my family stop calling. Case Management is/are not properly trained, or deliberately not doing their job!

Vocational programs, well there isn't any. When I ask why I was not given an answer. To make this simple, wouldn't it make sense to ~~just~~ give us men some training that have 3 years or less. I say that to

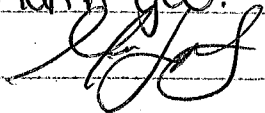
this. If you give us training in, HVAC, Electricity, plumbing, Carpentry, right before we go home, we'd more likely find a job. Only giving programs like this to people on a compound doesn't make sense. If we leave the prison within 6 months of these programs, we'd not only have a less chance of coming back, it gives people something to look forward to. We need these programs year round!

Outside recreation, if that's what they call it. Being in a minimal/pre-release facility why is this not something we have all day? If you don't have a job you're literally stuck in a building all day! 1 hour a day is not enough for most people. Imagine having a phone call that someone passed, and you can't even get a fresh breath of air because you don't have access. That's also if you even have rec. Sometimes they cancel without reason. Some, if not all days, don't take so long that you barely have 45 minutes. Lots of times we'll have 20 minutes.

Most if not all of these issues, within DPSCS are because of lack of accountability. An independent oversight will bring light to these issues.

In closing, what happens within these walls, should not stay within these walls. These issue along with other issue takes a toll on peoples lives. It develops, anxiety, depression, anger, and hopelessness. We should create a more safe and effective system that helps all people, even the workers.

Due to this I Urge you to VOTE in favor of this bill, not only to better DPSCS, but Society as a whole.

Thank you.


Correctional Ombudsman.pdf

Uploaded by: Nicole Hollywood

Position: FAV



LEGISLATIVE TESTIMONY

Bill: **HB297/ SB134 Office of the Attorney General - Correctional Ombudsman**

Organization: PFLAG Salisbury Inc., PO Box 5107, Salisbury Maryland 21802

Submitted by: Nicole Hollywood, Board Member

Position: **FAVORABLE**

SALISBURY PFLAG SUPPORTS THE CREATION OF THE OFFICE OF THE ATTORNEY GENERAL - CORRECTIONAL OMBUDSMAN

Greetings. My name is Nicole Hollywood. I am a professor in the University System of Maryland, a member of the Maryland Commission for LGBTQIA+ Affairs, a board member of PFLAG Salisbury, a resident of the Eastern Shore, and a parent. I am submitting this testimony in FAVOR of the creation of the office of the attorney general - correctional ombudsman on behalf of PFLAG Salisbury, the Salisbury, Maryland Chapter of PFLAG National.

Transgender, nonbinary, and intersex inmates are disproportionately represented in the criminal justice system, with nearly one out of six (16 percent) trans people of all ethnicities are incarcerated during their lifetimes—a rate that skyrockets to nearly one in two (47 percent) among Black trans people. Transgender and gender non-conforming inmates are often victims of gender-based and sexual violence, with the Bureau of Justice Statistics at the Department of Justice reporting that 40 percent of incarcerated transgender people have been sexually assaulted—a statistic that is more than ten times the general prison population rate. Further, the National Center for Trans Equality reports that transgender people are five times as likely to be sexually assaulted by prison staff.

Incarcerated members of the transgender community also often face difficulties accessing gender-affirming care which the DOJ explained in a 2021 Statement of Interest in *Diamond v. Ward* violates the U.S. Constitution and the Eighth Amendment's prohibition on cruel and unusual punishment when they refuse trans women placements at female facilities when needed for safety, or deny trans people gender dysphoria care beyond hormone therapy without conducting individualized assessments of their needs

This bill would require the creation of establishing the Correctional Ombudsman Unit in the Office of the Attorney General; requiring the Unit to conduct investigations, reviews, and assessments of administrative acts taken by the Department of Public Safety and Correctional Services or in relation to individuals confined by the Department; requiring the Unit to refer certain matters for criminal charges or disciplinary proceedings; providing for the confidentiality of certain communications with the Ombudsman; establishing the Correctional Ombudsman Advisory Board; prohibiting certain reprisals against employees of the Department who provide certain information to the Unit; requiring the Unit to conduct certain activities; and generally relating to the Correctional Ombudsman Unit.

This bill is a step in the right directions towards ensuring that all Marylanders who are incarcerated as well as individuals working in the Department of Public Safety are treated fairly and equitably. Because of this, PFLAG Salisbury Inc. supports **HB297/ SB134** and recommends a FAVORABLE report in committee.

J. Griffin Testimony - Correctional Ombuds Bill.pd

Uploaded by: Olinda Moyd, Esquire

Position: FAV

Jerome Griffin 1520684

D.R.C.F.
2020 Toulson Rd
Jessup, MD, 20794

1-2-24

To the Maryland General Assembly, Judicial Proceedings
and Judiciary Committees

In Favor - Correctional Ombudsman Bill #SB0134/HB0299

I am a resident of Maryland and I have been prison
for 25 years. WCI, MCI-H, JCI and now D.R.C.F.
have been the prison I have been housed. All of these
prison can serve the IP's better than they are doing
today and that is why I am in support of the bill.

During the start of Covid 19 it took five days for
medical at J.C.I. to see me after saying I was sick
and if I did not push the issue after the Dr. Williams
told me to go on my way after I asked, could I speak
to him. It came out that I had Covid and pneumonia
which I could have die from.

An independent oversight would have caused the people who are in ~~charge~~ charge of I.P.'s to do their best to provide I.P.'s with the things that are needed to keep ^{us} safe, in good health and treated like people.

I am asking for a favorable vote in support of the Correctional Ombudsman Bill.

Respectfully,

Jenome Dufferi

M. Warren Testimony - Correctional Ombuds Bill.pdf

Uploaded by: Olinda Moyd, Esquire

Position: FAV

~~FOR SUPPORT~~

FOR SUPPORT OF THE CORRECTIONAL OMBUDSMAN BILL

NAME: MR MICHAEL WARREN, PRS
229795/1395603
JCI

TO THE MARYLAND GENERAL ASSEMBLY:
Judicial Proceedings and Judiciary Committees,

IN FAVOR OF THE CORRECTIONAL OMBUDSMAN BILL

GREETINGS SIRS AND MA'AMS:

I APPRECIATE YOUR TIME AND CONSIDERATION REGARDING THIS MOST IMPORTANT ISSUE I HAVE BEEN INCARCERATED IN THE STATE OF MARYLAND FOR 32 YEARS NOW. I HAVE SPENT THE MAJORITY OF MY TIME HERE AT (J.C.I.) JESSUP CORRECTIONAL INSTITUTION; FORMERLY KNOWN AS ~~JESSUP~~ ~~JESSUP~~ MC I-ANNEX (MARYLAND CORRECTIONAL INSTITUTION-ANNEX) THIS PLACE (INSTITUTION) HAS HAD IT'S DIFFICULT TIMES. I HOPE TO BE ABLE TO SHED SOME LIGHT ON THIS WHILE EXPLAINING MY SUPPORT FOR THE UPCOMING CORRECTIONAL OMBUDSMAN BILL.

I ARRIVED HERE AT THE THEL (ANNEX) J.C.I. IN MARCH OF 1993. THERE IS AND HAS BEEN A CONSISTENT ISSUE WITH THE REGARDS TO THE ADMINISTRATIVE REMEDY PROCESS. THAT BEING AN ISSUE, YOU CAN NOT RELY ON ANY ENTITY OR AGENCY TO INVESTIGATE ITSELF. THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES (D.P.S.C.S.) IS NO DIFFERENT. THERE HAS BEEN A LONG-STANDING ISSUE OF GETTING PROPER RESPONSES TO ~~THE~~ A.R.P.'S WHEN FILED WITHIN INDIVIDUAL PRISONS. THERE IS AN UNFORTUNATE LONG HISTORY IN THIS STATE IN ITS PRISONS CONNECTING TO MAJOR DISTURBANCES CAUSED BY THE POPULATIONS INABILITY TO HAVE THEIR ISSUES PROPERLY HEARD AND ADDRESSED BY THE ADMINISTRATIONS DUE TO THE A.R.P. COORDINATORS HAVING RUN INTERFERENCE RATHER THAN SEEKING APPROPRIATE RELIEF. HOW DOES THIS HAPPEN?

It begins with inordinate delays that violate procedures, granting extensions to the Administration as a rule without necessity that extends beyond procedural time-lines, failure to properly investigate alleged misconduct and or allegations. There have been many instances where men have been directly or indirectly threatened as a consequence of filing a remedy not to mention the many instances where men have been subject to retaliatory actions including but not limited to shakedowns, being placed on Administrative Segregation, or even ^{inconvenienced by} being transferred to other Institutions. The frustration of living under these types of environments has led to violent out-breaks toward self, others and sometimes staff.

Having an outside source of either (oversight or accountability) would absolutely change the over-all circumstance, such as those reference here earlier. When it is known and understood that there is no longer a space for arbitrary or capricious responses to properly filed Institutional complaints, there will be an immediate change in the processes as they occur in the prisons.

Where outside complaints are concerned, you will find that more often than not the individual complainant received a more appropriate response to their complaint. Primarily due to the Administration fearing higher authority being made aware of the situation. Outside complaints are usually directed to either a Commissioner or even the Secretary's office. This actually highlights the point of an outside over-sight having a direct effect on a particular situation

Thank you in advance for your time ~~and~~ ⁱⁿ this long standing concern.

With Respect.

O. Moyd Testimony SB 0134 - February 2024 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 0134 – Correctional Ombudsman Before the Senate Judicial Proceedings February 7, 2024

**Submitted by: Olinda Moyd, Esq.
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.¹ 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 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.²

¹ 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.

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

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 regulation³ 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 2022⁴. In the summary of this report it is noted that the Commission implemented the remote audit process where the facility provided compliance documentation and preaudit packet for remote review by auditors.

The bill outlines the authority of the Correctional Ombudsman to Investigate administrative acts; conduct independent reviews and assessments; inspect facilities unannounced; seek to resolve complaints through mediation or conflict resolution; and maintain a website and provide reports.

Many states have enacted legislative authority creating a correctional ombuds office throughout the country. They enhance transparency and help resolve issues at early stages. Most importantly, the American Bar Association policy on oversight calls on every state to create similar oversight.⁵ 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.

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

⁴ See Maryland Department of Public Safety and Correctional Services, Maryland Commission on Correctional Standards, 2022 Annual Report.

⁵ See ABA Report to the House of Delegates, Monitoring Correctional and Detention Facilities, January 2018.

Support SB 134 - Corrections Ombudsman Act.docx (

Uploaded by: Philip Caroom

Position: FAV

Support SB 134 – 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 7, 2024

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) strongly bipartisan-sponsored SB 134 to create an independent Correctional Ombudsman office that will bring transparency and identify solutions for the many long-standing problems of Maryland prisons. Sister states' correctional ombudsman recommendations have led to huge savings on prison healthcare cost, litigation costs, and have prevented needless delays in release dates for those eligible.

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), 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 he 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 and which may take years before, perhaps, resolving problems. 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 – 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.**

20 sister states and the federal prisons all now have adopted correctional ombudsman or similar oversight systems with various names and mandates. (See prisonoversight.org/oversight-bodies/prison-oversight/ and "*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. National 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 134 could help to make big improvements in Maryland prisons at comparatively small costs. Please give a favorable report to this important bill!

--

PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary or any other unit of state government.

SB0134 - Office of the Attorney General - Correcti

Uploaded by: Rabbi Sholom Reindorp

Position: FAV



JEWISH INCARCERATED FAMILY SERVICES

February 6th 2024

Honorable Members of Congress,

As the director of a faith-based services organization supporting those incarcerated and their families, I write to express wholehearted support for the proposed bill, SB0134, which aims to establish a Correctional Ombudsman Unit. This initiative is crucial for enhancing oversight, accountability, and improving conditions within our correctional facilities, aligning with our collective commitment to justice, rehabilitation, and the inherent dignity of every individual.

In my experience advocating for the incarcerated, it has become painfully clear that a significant gap exists in addressing religious needs and ensuring safe avenues for inmates to express grievances. Despite assurances of zero tolerance towards retaliation for grievances, the reality faced by many inmates tells a different story. Fear of retaliation is a tangible barrier preventing inmates from advocating for their legitimate religious, spiritual, and human needs, essential for their rehabilitation and personal growth.

Judaism teaches us the importance of rehabilitation, emphasizing the potential within every individual for teshuvah (repentance) and positive societal contribution. This principle is not only central to our faith but underscores the universal value of giving individuals the opportunity for redemption and transformation. The establishment of the Correctional Ombudsman Unit, as proposed in SB0134, represents a significant step towards realizing these ideals, ensuring that the rights and spiritual needs of those incarcerated are respected and met.

Moreover, the treatment of inmates and the conditions within correctional facilities directly impact their prospects for successful reintegration into society. As we know, the majority of inmates will eventually return to their communities. It is in our collective best interest that they do so as rehabilitated, whole individuals, capable of contributing positively. Ensuring the provision of religious accommodations and protecting inmates from retaliation when expressing grievances are essential components of this process.





JEWISH INCARCERATED FAMILY SERVICES

I urge you, as our representatives, to support and pass SB0134. This bill not only addresses critical issues within our correctional system but also stands as a testament to our nation's commitment to justice, rehabilitation, and the protection of fundamental human rights. By supporting this bill, we affirm the value of every individual's potential for positive change and the importance of treating all individuals with the dignity and respect they deserve.

Thank you for considering my perspective on this vital issue. I look forward to your action in support of this transformative legislation.

Sincerely,

Rabbi Sholom Reindorp
Founder & Director
Jewish Incarcerated Family Services



Ombudsman Senate Bill 134 .pdf

Uploaded by: Rebecca Gardner

Position: FAV

February 6, 2024

TO: Chairman Smith and Members, Senate Judicial Proceedings Committee

FROM: Bob Rhudy, Interfaith Action for Human Rights

RE: Support for Senate Bill 134—Office of the Attorney General—Correctional Ombudsman Bill

I am presenting the support of Interfaith Action for Human Rights (IAHR) for which I serve as Maryland advocate with the General Assembly. IAHR, a nonprofit organization created in 2014, represents people of faith and allies who educate and advocate in Maryland, D.C. and Virginia for correctional systems to abolish unnecessarily punitive practices such as solitary confinement and to instead focus on rehabilitation and successful reentry of our citizens.

We know that there are substantial problems continuing in our State's correctional program including excessive or improper restrictive housing and solitary confinement, improper punishment, and inadequate mental and physical health care and addiction assistance and educational support. Our state is rewarded by one of the higher recidivism rates in the United States and public safety suffers. Based on evidence from around the country, there is strong reason to believe a correctional ombudsman program could substantially help address these conditions.

Currently at least 18 states have such correctional ombudsman programs, including some that have been in service for more than 50 years. I am most familiar with the Iowa Office of the Ombudsman from my time in private legal practice in Iowa before returning to Maryland in 1978. The Iowa ombudsman office was created by the Iowa General Assembly in 1970, with oversight responsibilities for six state departments including corrections; and it was directed to conduct investigations, seek to settle complaints, and make reports and recommendations annually to the General Assembly. If it was unable to resolve a complaint but found a complaint of merit, and especially when it found a pattern of such complaints, it provided such information and recommended remedies to the Iowa General Assembly.

The Iowa Ombudsman's most recent annual report stated that it opened 1,537 cases from Iowa prisons in FY 2023. It reported that the most common complaints were health services (310), custody/classifications (235), discipline (235), staff conduct (148) and rights and privileges (130). The report specifically included as examples two cases involving improper or excessive use of restrictive housing/solitary confinement.

I wrote a report for the Maryland Judiciary's Mediation and Conflict Resolution Office in 2014 on “Current and Emerging Career Trends in Conflict Resolution” that included a brief discussion of the ombudsman field in which I stated “Ombudsmen combine several alternative dispute resolution processes: negotiation, fact-finding, arbitration, and simply listening to make referral to where help is available. . . . [W]e are continuing to see a growth in ombuds positions in federal, state and local government, the corporate sector, health care and (perhaps) higher education.”

The United States Ombudsman Association, created in 1977, reports that the first public sector ombudsman was appointed by the Swedish Parliament in 1809. The ombudsman concept spread to the United States in the mid-1960s, with Hawaii establishing the first such public sector office in 1967. Some public ombudsman offices have general jurisdiction while others have special jurisdiction such as corrections as proposed in Senate Bill 134.

IAHR believes that the ombudsman program has worked very well in state prisons around the country for more than a half-century. We believe their experiences demonstrate that persons in our prisons (including incarcerated and staff) and our State would very substantially benefit from this program.

We urge your support for this bill.

Robert J. Rhudy
Maryland Advocate
Interfaith Action for Human Rights
www.interfaithactionhr.org
443-890-6548

Testimony #2 Correctional Ombuds (1).pdf

Uploaded by: Rebecca McAfee

Position: FAV

Two years ago, I stood before you to provide testimony on this common sense bill. It took a lot for me to stand before elected officials and share my journey of incarceration, let alone, the traumatic events that I experienced that are so personal to me. I was fearful of being judged, not believed, and most importantly I was fearful that even after I share such horrific experiences, nothing would be done about it by those in the power to do something. My biggest fear came true, evidenced by me standing before you today to share my testimony, again, on why the correctional ombudsman bill urgently needs to be passed.

The current process for an inmate to file a grievance is not working. An inmate fills out their grievance and goes through the process of an investigation, led by the correctional staff. Most often, inmates aren't believed, and are retaliated against by correctional staff, usually by the CO that they reported. As I stated before, the oppressed cannot address their grievances to their oppressor, nor should they be required to do so.

Family members should also not be required to assist them in filing grievances. Correctional officer's have total control over when and if we are able to make phone calls to our loved ones. There is not always an opportunity to do this. Also, our families are working and taking care of the responsibilities in the home. Advocating for an inmate's grievance is a full-time job and very stressful. Would you have time on top of all your responsibilities to advocate for your loved one if they had grievances while they were incarcerated? I have found that in Maryland incarceration can happen to anyone, even if they didn't commit a crime. It's possible that at some point you may be personally faced with such a situation.

One grievance that I continue to hear from formerly incarcerated women is that women are being raped at MCIW by correctional staff. Who are they supposed to report that to? Women who are raped in the community have a hard time coming forward, how is a female inmate able

to feel safe to report such a horrific experience to the correctional staff that is responsible for such horror?

I am begging you to please support and pass the correctional ombudsman bill so that incarcerated people, citizens of Maryland, can properly hold correctional staff accountable and end the inhumane treatment they experience while in the custody of the state of Maryland.

Written Testimony_ SB 0134 - Correctional Ombudsma

Uploaded by: Sarah Bur

Position: FAV

Written Testimony: SB 0134 - Correctional Ombudsman - 2/7/24

Dear Members of the Senate Judicial Proceedings Committee:

I write in support of SB 0134 - the Correctional Ombudsman bill.

My name is Sarah Bur. I have worked as a registered nurse and public health leader for over 30 years in the field of infectious disease control in correctional facilities, including in the Maryland state and federal prison systems. I know first hand how important it is to shine the light of day on the many problems in our Maryland prison system. Here is one story that illustrates the need for oversight.



Marshall Eddie Conway

My husband, Gary Gillespie, got to know Marshall Eddie Conway through a Quaker nonviolence program in the Maryland prison system. Eddie was serving a life sentence, for a crime for which he had an alibi. Eddie and Gary became friends. Every Tuesday, for over 10 years, Eddie called Gary at 10 am. Our children were instructed to always accept that collect call.

About 5 years into their friendship Eddie told my husband that he was very upset because he was not getting his blood pressure medicine. For weeks he asked for his medicine from the prison health care company with no results. Eddie's blood pressure was going up and up. He was feeling ill and afraid that he might have a stroke or die because he did not have the medication.

Eddie's friends and family tried to advocate for him to get his medicine, to no avail. Gary told me what was happening with Eddie. I reached out to a former colleague, a nurse who worked in the Maryland DPSCS health services leadership, who thankfully intervened. The prison health care company told my former colleague that Eddie had been "selling his blood pressure medicine" and therefore had not ordered it -- which was ridiculous. Finally Eddie got his medicine.

The Correctional Ombudsman Office would function just like that—it would receive complaints, investigate them, and advocate for solutions to problems identified. .

Thankfully, after 44 years in prison, Eddie Conway was released on a legal technicality. He enjoyed 9 years of life after that, a time in which he contributed substantially in the community and in his work as a journalist for the Real News Network. We were able to attend his wedding in New Orleans in 2018! None of that might have happened if Eddie had gotten a stroke or died in prison because of uncontrolled hypertension.

The Maryland prison system has many serious and solvable problems. During my tenure working for the Maryland health department tuberculosis program, I visited many Maryland prisons. There are problems with facilities, problems with the delivery of healthcare, rodents and other pests, lack of adequate hygiene facilities, lack of heat and air conditioning, issues with correctional officer abuse, etc.

The Correctional Ombudsman Bill provides one solution to the many problems in our prison system. It will allow for the light of day to shine on our system, identify problems of various types, investigate them, and advocate for solutions.

Please vote in support of SB 0134.

Sarah Bur, MPH, RN, CIC
Certified in Infection Control
3206 Montebello Terrace
Baltimore, MD 21214

SB 0134 FAV on behalf of impacted individuals.pdf

Uploaded by: Sarah McKinley

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: SB0134 Maryland Deaths in Custody Oversight Board

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 02/06/2024

Attached are written testimonies provided by six incarcerated individuals who request that this Committee to issue a favorable report on Senate Bill 134.

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

Prepared by: Sarah McKinley, Student Social Work Intern,

sarah.mckinley@maryland.gov

Melissa Shipley #920-334
MCI-W
7943 Brockbridge Rd.
Jessup, MD 20794

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees
IN FAVOR- Correctional Ombudsman Bill #SBO134/HB0297

I am a Maryland resident and will be for the next two consecutive life sentences that were imposed upon me in 2002. During my incarceration I have been through several different Health Care Provider Companies. The problem being we had so many ARPABLE problems with the providers of Wexford Medical, they filed bankruptcy, opened a Horizon Medical and kept the same providers we wrote up. I am definitely in support of a favorable vote to support a bill that would put in place overseers of our current medical department.

Since there is no outside accountability of these providers they do as they wish and we have no recourse to receive adequate care. In 2017 I had a double mastectomy due to breast cancer (BRCA 2 Gene). The same day I had surgery, Dr. S. removed the bandaging that ran the width of my breast plate. I told her the Oncologist said not to remove for seven days, she said in order to treat me she had to see it. She pulled out several stitches and opened up the front of my incision, which resulted in an infection. I was in medical for 20 days until they removed the drainage tubes. I had to keep track of the draining fluid and clean my own tubing. The whole time they refused to give me the pain medication I needed to heal, they said it was only skin- not major surgery. The Oncologist said how often I was to return and what medication I was to be on. This facility said it was just a SUGGESTION and they did not have to follow it. WHAT????

As of October 4, 2023, my cancer numbers have increased yet again. Today is November 13, 2023 and I still have not been sent to see my oncologist. This is exactly how things progressed last time. When I showed them the lump in my breast, they said let's wait a month and see if it gets any bigger. WHAT??? This cost me both my breasts. NO chance for chemo or radiation to curb the cancer. I filed many ARPS against Horizon but I was told they were NON- Meritorious. I only have to receive adequate care not GOOD care or Preventative Care.

Having an independent oversight committee will help others receive the care they need in time to save their lives or their body parts. Bringing medical issues to light sooner will cost less in the long run- not just monetarily. I would not wish what I went through on anyone.

I ask for a favorable vote in support of the Correctional Ombudsman Bill

A handwritten signature in black ink that reads "Melissa Shipley". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Shala Dorman # 3376681

7943 Brockbridge Road/PO Box 500 Jessup MD 20794 (MCI-W)

January 2024

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR-Correctional Ombudsman Bill **SB0134/HB0297**

My name is Shala Nicole Dorman and I am a Maryland resident who has been incarcerated in the Maryland Department of Public Safety and Correctional Services system for the past 15 years. I served the first half of my sentence at Patuxent Institution and have been back at Maryland Correctional Institution for Women since 2017. Serving 15 years in Maryland's DPSCS has time and again convinced me of the need for an outside impartial oversight within the confines of Maryland Correctional Institutions. For this reason and numerous others I am in support of a favorable vote in support of the Ombudsman Bill.

Independent oversight isn't just a desire for Maryland's Incarcerated Population; it is a necessity that has gone unmet for far too long. Within the Institution here at MCI-W time and again Incarcerated Individuals have been threatened and bullied into dismissing ARP's and not pursuing institutional write ups by the officers who are in charge of processing these forms; which are our only recourse for making complaints. Time and again mail has been opened and destroyed, never making it to the addressee on the envelope because it was addressed to someone whom holds authority or that can take action against the institution. I myself have been left no choice but to send some of my mail out certified, costing me the better part of \$13.00, just to ensure that it reached to recipient. There is zero accountability for the Incarcerated Individuals whom the Institution knows suffer from mental health disease. II Kalifah Milton has to date attacked (5) other II's (4) of whom did not retaliate and fight her back. Kalifah has known mental health issues and is consistently given 30-60 days on segregation or not sent to segregation at all and just spends a month in treatment services and then let right back out into population. This practice endangers the well-being of every other II on these grounds. Kalifah need not be provoked, she just simply attacks. I have been a first-hand witness to (3) of these attacks and at no time was she provoked or antagonized. Not having independent oversight is what has perpetuated a problem that could have been mitigated at this point, saving other women from being attacked and suffering the trauma that follows an experience of that nature. Medical continuously fails to perform their duties and follow-up on treatment plans. I have multiple goiters on my thyroid right now as well as

an enlarged thyroid. These goiters have caused me to be hoarse for over a month and a half, they continuously grow and the medical department does nothing without being forced to do so. Right now I have a goiter that is 9 centimeters and the chronic care physician has yet to call me and see me or to schedule a follow-up appointment with the endocrinologist. This has been ongoing for more than a year and a half. These are just a few personal examples of challenges that are being faced within the institution.

Having a Correctional Ombudsman will benefit not just the inmate population but also the Department as a whole. Independent oversight will eliminate much of the need for IGO hearings due to inability to resolve issues and violations of inmate rights within the institution. This will also make everyone accountable, not just the institution but II's as well. Unfortunately the Department is failing at this point to "correct" behaviors that led individuals to these facilities in the first place; a main reason for this is a lack of programming and available transitional services for II's within the Institution. This lack of programming and the low morale within the institution is a strong contributor to recidivism. The lack of programming, transitional services, work release options and cognitive classes not only affects the II population it affects the communities that we are returning to and the families that await our return. Recidivism is a direct result of the lack of these resources and takes its toll not just on the individual but also on the individual still awaiting release.

Again, I cannot reiterate enough the desperate need that exists within the Department for independent oversight and a Correctional Ombudsman is the answer to the widespread injustices that occur within the correctional institutions daily. A favorable vote in support of the Ombudsman Bill is what will create sustainability and accountability within corrections and we all need accountability. I support a favorable vote in support of this bill.

TO: MD General Assembly Judicial Proceedins and Judiciary Committees
FROM: Cynthia J. Downs #901573; MD Correctional Institution for Women (MCIW)
RE: Ombudsman Bill # SB0134/HB0297
DATE: January 2024, Legislative Session

I have been a life-long Maryland resident as are my siblings, children and 14 grandchildren. I am 68 years old and have completed 18 years at MCIW. I am preparing for a transition into Work Release to better prepare myself for re-entry into society, increase my necessary Social Security Earnings and to fulfill my genuine purpose in life. However, therein lies the problem in which an Ombudsman would be key and I am asking for your support of the above reference Bill.

MCIW is the "only" prison for women in the State and yet we are penalized for being women by the State through DPSCS' own unwritten rules and regulations which are based on the Federal, Maryland Constitutions as well as COMAR. MCIW does not have an offsite Work or Pre-Release Center like all of our male work/pre-release counparts are afforded. We are housed in a Maximum Security prison, in general population cells, double bunked and fed the exact same food as all other female inmates. Those women who work pay approximately \$750 per month for room and board and \$35 weekly for transportation. Less than half of our paychecks are left for clothing, phone calls, personal hygiene items and savings for our release.

The State of Maryland already allocates money to DPSCS for each inmate housed at its prisons. Unlike our male counterparts we are not allowed to use public transportation-which is available one exit up Rt. 295. We are not allowed to use the light rail or buses, as are our male counterparts. One of the largest Work Release employers-Maryland Correctional Enterprises is approximately two miles from MCIW. There are five women employed there and each pays \$35 per week. That totals \$175 per week for a two mile trek as income to DPSCS, in addition to room and board fees. Our male counterparts have consistent reintegration to society, the women do not. There are no family leave the last four months of work release, or available outside trades educational programming for women.

Women are even denied employment where male work release inmates work. This greatly limits are job choices. According to DPSCS' own rules and regulations all work release inmates are allowed to work within a 30 mile radius of their facility. Not at MCIW. Women are "urged" to work as telemarketers, secretaries or in one fast food restaurant. All for the convenience of MCIW Staff. None of those jobs allows a living wage and when over one half of ones paycheck is kept by the prison system, savings are minimal. The women who work on work release are released with \$50 in their pockets, often.

These are just a few of the discriminatory practices the State invokes on its female prisoners. An Ombudsman would keep MCIW accountable for adherence to the States' rules, regulations, laws and policies within the prison system. Currently when letters are written to the Governor or other outside entities they are

forwarded back to DPSCS or MCIW Administration for an "investigation." It is vital to the integrity of the prison system for an objective trier of facts to monitor and intercede on on behalf of all residents of Maryland, male or female.

I urge you to review this matter as just one of numerous discriminatory practices against female prisoners in Maryland. As you are aware over 90% of prisoners are released and a successful reintegration into society bodes well for all Marylanders.

Thank you.

Oriana Garcia 455-782
7943 Brockbridge Rd.
20794

SB0134/HB0297

Since my arrival, April 2017, I have been subject to the rollercoaster of deliberate indifference, improper training, and undeserved malice our entire population suffers. My first year there was a two month period the entire institution was out of menstrual pads. We resorted to torn shirts, rags, washcloths and wads of toilet paper, which they said we were also low on. When an audit team came onto the grounds and we were all locked down to keep us away from them - we shouted out our windows about the lack of pads, and the fact that the AC that was turned on to impress them, never for us. **We were punished. The heat was turned all the way on high for two straight weeks.**

My grandmother passed away the same fall. The Dietary department would not allow me even one day bereavement, because their failure to keep the department properly staffed became my burden, as there was no one to cover me.

It took me four months to move downstairs, as I have trouble on stairs. I was volleyed between Medical and Custody, both claiming the other had the authority. Custody did not relent until someone they favored wanted my bed assignment.

We have ONE therapist for 500+ IP's. This is not enough support. The pandemic brought this to a head for me, personally. Due to rampant disorganization and lack of communication, I did not receive my meds for three days, from not being let out of my room during medication time. Our officers became comfortable and preferred us locked down all but one hour a day. I wrote mental health for over two months, because I was already withdrawing due to stress and missed meds, and decided to go cold turkey because that was preferable to the ups and downs of 300 MG of Effexor.

I had to beg for toilet paper, and that is still an issue. The only thing that got me through being sick was one of our RCA rescues, Ozara. She came into my room for months, leaning her body on mine when I was curled on my bunk crying, or over the toilet. She was my only support on a daily basis. Our administration is taking no new applicants for the program, or rescues **-leaving cats like Ozara that could be changing lives like mine - to die.**

We do not have enough substance abuse support. **Our Warden has stated that addiction is like losing weight. It is a choice, and you just have to stop getting high.** N.A. is only authorized once a month. As well as going on lock for dirty urine, you are not allowed to work for 90 days. Punishment on punishment. We are mammals, and have reward systems in our brain. When there is nothing to look forward to, and punishment only principles, we're not giving them any reason to stop getting high.

Independent oversight is beyond crucial. When the audits are announced, our administration has their favorite IP's spread bleach, paint, and wax on every visible surface, and we are punished if we speak to visitors, or just locked down to be kept away, for the appearance of order.

The Warden, has been heard regularly on the radios saying "I'm not talking to no inmates, put movement on hold." I didn't want to believe it, until I heard it myself. We are not human to her. We need an independent ombudsman to remind our overseers now and in the future of our humanity and worth, because you cannot continually tear down human beings and expect a positive result without building them back up with something in its place.

To begin real, corrective progress, as intended by DPSCS's mission statement, please vote in favor of the Correctional Ombudsman Bill.

MICHELLE WONG
492218

SB0134/HB0297

I am bringing to your attention of my serious medical case that I could not get adequate and timely medical care at the MCIW (Maryland Correctional Institution for Women) to go to the hospital or see the oncologist ASAP for screening plus treatment for cancer. The following is my case information and I am appealing for your help to save my life.

March 2023

I first came to MCIW in March 2023 and did an initial medical assessment. I informed MCIC Medical staff that I had breast cancer and did a mastectomy surgery on my left cancerous breast in 2017. I did not do radiation nor chemo after surgery, which I should have, and this puts me at a very high risk of having cancer coming back. I signed the Medical Release forms so that MCIW Medical can retrieve my medical records. I also informed the Health Provider that I have this sporadic chest pain. The Health Provider told me that the pain might be caused by the mattress that I was sleeping in.

July 2023

My chest pain became more persistent and severe in July 2023. I saw several MCIW Health Providers and a doctor. I informed them the pain is in the center of my chest and it felt like cancer pain which I have similar cancer symptoms. I requested to go to the hospital or see the oncologist. The MCIW Medical staff did the vitals and EKG to check the heart. All results were normal. They refused to let me go to the hospital stating that all my vital signs and heart condition were all normal. They prescribed painkillers (Motrin) for my chest pain instead.

Aug. 21, 2023, I submitted an ARP (Administrative Remedy Process) of complaints in regards to inadequate and untimely medical care. ARP was directed to YesCare. MCIW Medical is contracted to YesCare. I received a responding letter dated Sept. 4, 2023, from YesCare representative named Heidi Miller. Her response stated that my medical condition was seen by their medical provider on Aug. 25, 2023. It listed the same thing that the doctor had already told me that day that I have history of Vitamin D deficiency, breast cancer in April 2017, and status post left mastectomy. All tests, mammogram, mammography/sonogram and CTA chest which were all done early this year with an outcome of all normal results. She also mentioned, "there are no pending consults for review at this time" which means there are no appointments for me to see any specialists. YesCare neglected the fact that there are numerous problems with their medical care practices.

Problems With MCIW Medical- YesCare

- 1) Even though mammogram, mammography/sonogram tests were normal, these tests limited to detect cancer only in the BREASTS not the chest. I have pain in the chest not the breast! All these tests CANNOT verify that I do not have cancer in the chest or elsewhere in my body. These tests were given to women over 40 years of age annually here at MCIW as a standard check. It was not given to me because I have chest pain.
- 2) CTA chest was done on my chest to detect cancer tumors in the chest but cannot detect bone cancer in my chest. MRI or other screenings give more sophisticated screening for cancer in the bones. I worry

that my chest pain may be caused by bone cancer because the pain is in the chest bone in the middle of the chest.

3) I had requested MCIW Medical to give me a copy of my CTA chest and confirm whether CTA chest that I did was capable to detect bone cancer in my chest. It has been over a month and I still have not received a copy of my CTA report nor confirmation.

4) Even though my vital signs and EKG for the heart were normal, these tests do NOT detect cancer. If people with cancer depend on these tests to determine whether are not to go to the hospital, it will jeopardize their lives!

5) I requested the chronic care doctor, Dr. Sighn, on Aug. 25, 2023, to see the oncologist or go to the hospital ASAP because I continue to have the persistent chest pain and was getting worse. I was informed by Dr. Sighn that I would need to follow the procedure to see the "Chain of Medical Professionals" which means I would need to see them in the order of: 1st – Health Provider, 2nd – chronic care doctor, 3rd – gynecologist, 4th – oncologist. She told me because I am in prison and I have no choice but to follow this procedure regardless how urgent or if my condition is relating to cancer. She said she will let me see the gynecologist next. I found out she never put in a "consult" for me and thereby no scheduled time was set for the appointment for me to see the gynecologist.

This "Chain of Medical Professionals" procedure is a barrier and a delay for cancer patients or post cancer patients. People with cancer or with history of cancer need to follow up with an oncologist NOT a gynecologist. Cancer can progress for the worse by the time MCIW Medical schedule an appointment to see the oncologist. This delay is fatal! In addition, this procedure was never mentioned to me when I did the initial medical assessment in March 2023. I was informed by the Health Provider during the initial medical assessment that I will be seeing the oncologist given the fact of my history of cancer with a high risk of cancer occurrence. It has been over 6 months, the appointment was not even arranged for me to see the oncologist.

6) I submitted a letter to the MCIW Warden, Ms. G. Holland, of complaints of the above problems on Aug. 27, 2023. She responded with a letter informing me that my complaints were directed to an appropriate department but non-specific as to whom. Her resolution seemed to redirect my complaint back to MCIW Medical who continues to provide inadequate, untimely medical care and failed to arrange appointment for me to see the gynecologist or the oncologist.

7) This untimely and inadequate medical care provided by the MCIW Medical staff further exemplifies when the Health Providers, chronic care doctor and the head nurse, Ms. Jalloh, who failed to submit a "consult" for me to see the gynecologist".

Aug. 31, 2023, I informed Ms. Jalloh about my urgent medical conditional of my persistent severe chest pain. I requested to go to the hospital or see the oncologist ASAP. She refused but told me that she will let me see the gynecologist the following week of **Sept. 4th-8th, 2023**, instead. I found out that there was no "consult" submitted for me to see the gynecologist. Thereby, no appointment and I was not called to see the gynecologist in the week of Sept. 4th-8th, 2023, to see the gynecologist.

Sept. 10, 2023, I submitted a SickCall to inquire why I was not called to be seen by the gynecologist.

Sept. 12, 2023, I was called to see Provider 4 in response to my SickCall. Provider 4 told me that he will submit a "consult" for me to see the gynecologist. An explanation was not even given to me why I was not called to see the gynecologist in the week of Sept. 4th-8th, 2023, as promised by Ms. Jalloh. When I asked for the date for the appointment for the gynecologist, Provider 4 told me to "wait for the call".

Sept. 20, 2023, I was seen by Provider 1 in response to another SickCall that I submitted because of my persistent chest pain and was getting worse. Provider 1 informed me that the previous Health Providers and chronic care provider, Dr. Sighn, all submitted a "**reference**" for me to see the gynecologist and there are **no "consults"** were submitted. The difference between a "reference" and a "consult" is that a "reference" is only a written note on my medical record to suggest that I see the gynecologist. Whereas, a "consult" is needed to schedule a time for an appointment for me to see the gynecologist. Without a "consult" there will be no scheduled or confirmed time for me to see the gynecologist. So for me to see the gynecologist can be infinite. Subsequently, this will delay the time for me to see the oncologist. No treatment was given to me for my persistent severe chest pain. **There is still NO TREATMENT given to me for my persistent severe chest pain!** I CANNOT take painkillers every day. Prescribing painkillers (Motrin) and Vitamin D for me to take still does not make the chest pain go away. This is not a treatment to the root of a serious medical problem!

8) The Health Providers and doctors could not give me an affirmative diagnosis for my unusual persistent severe chest pain. It was mentioned in their medical record that I complained of "chest wall pain". I do not know how this analysis of my pain was to be "chest wall pain" when no tests were done to prove the claim except for a brief physical examination conducted by Dr. Sighn on Aug. 25, 2023. I clearly told Dr. Sighn that my pain is in the chest bone in the middle of my chest. I expressed my concern that the pain can be caused by bone cancer. The doctor's assumption of my chest pain to be "chest wall pain" is concerning. Often, when a doctor gives out an assumption of a diagnosis without proper testing can be wrong or result in malpractice. If in fact my pain is caused by bone cancer, it is fatal! Given the fact that I have history of cancer with high cancer reoccurrence, plus, an unusual persistent severe chest pain, it is imperative that I need to go to the hospital or see the oncologist to do screening and get treatment ASAP.

I had Vitamin D deficiency before and never had any kinds of pain. I have been taking the Vitamin D pills since July 2023 prescribed by Dr. Sighn and there is no improvement. I still have this unusual persistent severe chest pain.

Cancer is an insidious disease. It is not apparent in the early stages and fatal when discovered late in the disease. There are 4 stages for cancer:

Stage 1 and Stage 2 are the early stages of cancer. Most people survive in these early stages.

Stage 3 and Stage 4 are late stages of cancer because cancer has metastasized. Most people do NOT survive in these late stages!

**This is why an early screening and treatment is crucial especially any pains or symptoms appear.
Delay in screening and treatment is an absolute death!**

- 1) Given the fact I have history of cancer with high risk of cancer reoccurrence and an unusual persistent severe chest pain, I need to go to the hospital or see the oncologist ASAP! Only the hospital has the equipment to do the sophistication of screening and treatment for cancer. The oncologist will eventually refer me to the hospital to do the screening and treatment for cancer.
- 2) Even if I did not have any kinds of pain, it is necessary for me to follow up with the oncologist and not the gynecologist. The oncologist is the specialist for cancer or post cancer. I have history of cancer with high risk of cancer reoccurrence, it is imperative for me to following up with the oncologist at least twice a year. I have not seen an oncologist over a year since I have been detained!
- 3) It is very important that the Medical Staff need to have integrity to ensure patients go to their appointments to see the specialists. People with chronic disease need to be seen by the specialists on a timely basis, so that they will not degrade in their care or illnesses. As mentioned in the responding letter dated, Sept., 4, 2023, sent to me by YesCare representative, Heidi Miller, she state that "there are no pending consults for review at this time" for me which means I have no appointments to see any specialists. Yet, the Health Providers, chronic care doctor and Ms. Jalloh all promised that I will see the gynecologist and oncologist but neglected to set up these appointments. There was NO explanation as to why "there are no pending consults for review at this time" for me to see the specialists given the fact of my cancer history and unusual persistent chest pain.

Even though I am an inmate at MCIW, it is my constitutional rights to have adequate and timely medical care. I am working hard to do rehabilitation plus taking educational courses to cultivate and looking forward to contribute to my community upon my release. Without adequate and timely medical care, it will hinder my physical and mental capacity during this period of rehabilitation and putting my life at risk. The problems mentioned above needs to be rectified by MCIW Medical or YesCare. I am appealing for your help and defend for my constitutional rights for adequate, timely medical care at MCIW. I thank you very much for your time and effort.

Sincerely,

Michelle Wong

Inmate# 492218

Dagmar Jensen #915094
#915-094
MD Correctional Inst - Women
7943 Brock Bridge Road
Jessup, MD 20794

January 2024

To the Maryland General Assembly Judicial Proceedings and
Judiciary Committee

IN FAVOR: Correctional Ombudsman Bill # SB0134/HB0297

I am a Maryland resident and have been incarcerated at MCIW for nearly 26 years. Following are some of my experiences and things I've witnessed that show an independent correctional ombudsman office is desperately needed.

MEDICAL

Around 2016/2017, inmate Mary Utley went to medical complaining she could not breath. Without doing proper diagnosis, she was returned to her housing unit. This was repeated for about five day. Then Ms. Utley died. She had pneumonia: an illness that is easily detectable with proper diagnosis and curable.

In 2015, inmate Stephanie Joseph had been reporting an extremely bad cough for about 2 years. No proper diagnosing was done. Medical simply gave her CTM (an allergy medication) and sent her away. Sometime in 2015/2016 her husband picked her up and rushed her to the hospital. Two weeks after leaving MCIW, Stephanie died of lung cancer.

August 2022 I had a quickly enlarging, highly inflamed, infection in my left hand. My hand swelled to the size of a softball and the skin was ripping. The provider, Ms. May, said she saw no need for antibiotic. The next day the infection spread to my elbow. That evening I fainted from the pain and was taken to the dispensary. The nurses said my vitals were OK and refused any further care. The infection continued to spread up my left arm. With a scheduled appointment, I returned to medical but all providers refused to see me. I tried to insist on appropriate care but was told that officers would be called to take me away. After one week and "acting-out" Provider Immanuel prescribed 7 days of antibiotic. The infection again started to spread up my arm. Only after more drama and complaining (proper sick-calls requests were submitted), I was given a stronger antibiotic that eventually cured it. It then took several months of my own physical therapy to regain proper hand movement.

Around 2016 I began complaining to Dr. Singh that I had pain in my back and numbness in my left foot. Dr. Singh stated,

"Old people get that, massage it." At each visit over the next few years, she repeated the same despite the numbness increasing up both legs. In 2018 a Provider May ordered x-rays due to the pain and numbness. I was never given the results, but every visit, Dr. Singh would say, "All your vitals are OK. Numbness is normal in older people." She refused to do any further diagnosis. In 2023 I begged OG-GYN Dilworth to help me. The pain, like when blood returns to a numb area, kept me awake at night. Shoes had become painful to wear. Dr. Dilworth ordered a bone scan. The bone scan showed osteoporosis. OSTEOPOROSIS is PREVENTABLE but not curable. Due to the deliberate indifference and no proper diagnosis, I will continue to suffer worsening pain and potential for fractures that could have been prevented. This indifference to my health has unnecessarily reduced my quality of life.

Many others have their medical horror experiences. It is a known fact that medical records disappear when there is a complaint.

DENTAL

The dental care is far below community standard. When I arrived in 1998 at age 49, my teeth were in good shape from my life of good dental care. I had fillings that were 20 and 30 years old in my mouth. As they began to need replacing, low quality metal amalgams was used. ALL of the MCIW's fillings fell out after 4 weeks to 4 months. After 2 or 3 times replacing fillings, the dentists wanted to pull the tooth rather than save it. I lost 4 molars/bicuspid due to bad fillings.

Around 2010, we were told we could get a cleaning. The employee did not clean, but scaled. The harsh drilling like procedure was passed over my teeth again and again at the gum line. A few months later, my teeth began to break off at the gum line, leaving the rest of the outer wall and the filling. To date I have lost 3 molars to this type of breaking while eating soft foods. I now have trouble chewing with only two molars that meet to grind.

I had two severe infections in my mouth causing much pain and black eyes. I asked the dentist to drain the very painful build-up of puss. She stated, "You want me to make holes in you!!, I'm not going to do it." The correct medical term is "fistula" and they are a common procedure to drain puss. I made the fistulas myself, drained and cured the infections.

I have been told by 3 inmates that while having a tooth pulled, the dentist broke the good tooth next to it, and had to extract that tooth also. There are many more dental horror experiences.

ADMINISTRATION HARRASMENT/RETRIBUTION AND THE COMPLAINT SYSTEM
(ARP)

The complaint process known as ARP (Administrative Remedy Process) is greatly unfair. Inmates do not use it because it is not only futile, but most fear the retaliation when using the process or even speaking up. The present administration does NOT respond to inmate letters, complaints, or reports.

July 2022 I was sent a book from Amazon. I never received it. I wrote the mail room clerk who remembered seeing it. Nothing was done so I wrote an ARP. The ARP coordinator, Ms. Anderson-Davis, who is also a Case Manager, never responded to my ARP. Per official procedure, I appealed to headquarters/Commissioner of Corrections. Saturday, November 19, 2022 at 8 p.m., Ms. Anderson-Davis came to my cell and searched for the book. She did NOT find it. She then responded to my ARP by telling a lie and stating she had found the book. I appealed again.

Ms. Anderson-Davis then began a barrage of retaliatory searches and confiscation of my property over the next several months. This was done despite Warden Holland stating that Ms. Anderson-Davis should not have entered my cell. First Ms. Anderson-Davis came to my cell and confiscated almost ALL my books. Then Ms. Anderson-Davis directed other officers to do several retaliatory searches, confiscating authorized items with "inventory searches." Inventory searches are used only as punishment. DOC rules state that an inmate may possess all items obtained with authority. The "inventory search" confiscates all property that is not on the inventory sheet list of basics. I lost authorized items that I had paid for, was given as reward or gift for certain activities and services, etc. Not all items were registered on the confiscation sheets. Instead of Warden Holland putting a stop to this, she condoned it and assisted in changing the subject from the lie Ms. Anderson-Davis told and her retribution, to my "having too much in my cell." I was punished for properly using the ARP process and telling the truth.

MANY INMATES HAVE EXPRESSED THEIR FEAR OF USING THE ARP PROCESS due to the retribution they have seen to me and others.

OTHER

I could write a book on other serious problems at MCIW. They include but are not limited to: Finance: inmate monies, etc., Mail Room: book and correspondence disappearance, Officers: inappropriate behavior, Mold in walls and ceilings causing "allergies" and other untreated health issues, Addiction not being properly addressed, etc.

Thank you for your concern in this matter. I hope you can see that MCIW makes it painfully clear that ABSOLUTE POWER CORRUPTS ABSOLUTELY. I hope you can see that an INDEPENDENT OMBUDSMAN BILL is necessary.

Respectfully yours,

Dagmar Jensen

SB 134 Ombudsman Unit.pdf

Uploaded by: Sharon Hill

Position: FAV

Testimony for SB 134 Correctional Ombudsman Unit

Hello Chairperson Brian Feldman and Vice Chairperson Cheryl Kagan, Committee members and guests. My name is Sharon Hill. I am here to **support SB 134**. As a 45 year resident of Montgomery County, Maryland, I have been proud to watch our state's efforts to take care of all of its residents. One area in which we desperately need to improve upon is the treatment of our public & private prison population.

The average inmate age of 39 is rapidly skewing upwards. Maryland also holds the unfortunate dishonor of being among the highest prison population with people who were initially sentenced as minors. Of these minors, 80% are Black children.

With severe overcrowding, abuses and mistreatment become more common. Human beings deserve safe, well-run facilities. Children and adults who are incarcerated have already experienced traumas throughout their lives. The current prison environment adds to their trauma.

An independent oversight board in the form of an Ombudsman Unit will, at a minimum, provide a proven mechanism to investigate and publicize individual, as well as systemic abuses which are harming prisoners. Is not our goal to rehabilitate people?

Vote **YES to SB 134**. Thank you.

SB134_Hettleman_FAV.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Chair
Rules Committee

Budget and Taxation Committee

Subcommittees

Health and Human Services

Pensions



James Senate Office Building
11 Bladen Street, Room 203
Annapolis, Maryland 21401
410-841-3131 • 301-858-3131
800-492-7122 Ext. 3131
Shelly.Hettleman@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 134 STATE GOVERNMENT – OFFICE OF THE CORRECTIONAL OMBUDSMAN –
ESTABLISHMENT

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. SB 134 establishes the Office of the Correctional Ombudsman within the Office of the Attorney General (OAG) to provide public reports and recommendations on the needs and rights of prisoners, their families, and prison volunteers. This office would provide needed **independent** oversight of the adult corrections system, while improving safety and other conditions inside Maryland’s prisons. In response to the Attorney General’s belief that this office should not fall within the responsibility of his agency, we believe it should be a separate unit of government.

More than a third of states, as well as the District of Columbia, have some sort of independent prison oversight body.¹ Virginia recently established its Ombudsman office in 2023.² Reporting from several of these offices and entities have resulted in improvements to prisons, as well as state clarity on conditions for incarcerated individuals.³

Testimonials from numerous current and formerly incarcerated Marylanders have highlighted significant concerns in reporting and remedying complaints, including from multiple women housed at the Maryland Correctional Institution from Women during last year’s hearing of SB 87.⁴ Additionally, a correctional officer at the Eastern Correctional Institution was recently charged for allegedly destroying evidence of an inmate’s abuse by another officer and lying to federal authorities about the incident.⁵ An Ombudsman office would provide oversight to better improve the opportunity of such inmates’ complaints being successfully investigated by an independent party.

¹ Prison and Jail Innovation Lab, *Prison oversight in the U.S.* NRCCO (2023), <https://prisonoversight.org/oversight-bodies/prison-oversight/> (last visited Feb 2, 2024).

² *Virginia - Office of the Department of Corrections Ombudsman*, Prison and Jail Innovation Lab, <https://utexas.app.box.com/v/VirginiaProfile> (last visited Feb 2, 2024)

³ See e.g., Steve Sinclair, OCO Monitoring Visit to Monroe Correctional Complex OFFICE OF THE CORRECTIONS OMBUDS (2020), [https://oco.wa.gov/sites/default/files/OCO Monitoring Visit to Monroe Correctional Complex.pdf](https://oco.wa.gov/sites/default/files/OCO%20Monitoring%20Visit%20to%20Monroe%20Correctional%20Complex.pdf) (last visited Feb 2, 2024).

⁴ *All Testimony-Senate Bill 87* (2023), Maryland General Assembly (2023), https://mgaleg.maryland.gov/cmte_testimony/2023/jpr/12591_02072023_161836-726.pdf (last visited Feb 2, 2024).

⁵ Rachel Konieczny, *Maryland Correctional Officer Charged with Destroying Recording of Inmate Assault*, Maryland Daily Record (2024), <https://thedailyrecord.com/2024/01/19/md-correctional-officer-charged-with-destroying-recording-of-inmate-assault/> (last visited Feb 2, 2024).

The bill establishes procedures and reporting mechanisms for addressing concerns and promoting transparency within Maryland's prisons. The Office of the Correctional 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 Office of the 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.

A coalition of legislators and advocates have consistently worked to improve, and tailor proposed legislation, culminating in SB 134. Previous bills have proposed to place the office within the Maryland Attorney General's Office. SB 134 is, however, currently being amended to locate the office elsewhere to ensure integrity and the ability to function as a complimentary but independent entity to the Attorney General and DPSCS.

By establishing the Office of the Correctional Ombudsman, Maryland would join 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 134. Thank you.

2024 Ombudsman Bill Testimony with Inmate Submissi

Uploaded by: Steven Asin

Position: FAV

February 7, 2024

Steven G. Asin
Bethesda, MD 20817

TESTIMONY ON SB0134/HB0297 - POSITION: FAVORABLE
Office of the Attorney General – Correctional Ombudsman Unit

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

FROM: Steven G. Asin

My name is Steven G. Asin. I am a resident of District 16. I am submitting this testimony in support SB0134/HB0297, Office of the Attorney General – Correctional Ombudsman Unit.

I am a 73-year-old attorney whose career and retirement have been devoted to providing representation to persons charged with or convicted of crimes who cannot afford to retain a lawyer to represent them. My experience has shown me that real and lasting criminal justice reform requires a change in the way criminal legal system actors view the individuals whose fates they determine. They need to see them as more than the worst thing they have ever done, and as fully human as their own sons and daughters, nieces and nephews, and close friends and relatives. If we view the men and women confined in Maryland's prisons in this way, then the existing conditions of their confinement become intolerable, and we are called upon to take reasonable actions to remedy them. The establishment of a Correctional Ombudsman not only holds the promise of redressing immediate unwarranted harms suffered by individuals, but also of becoming a source of unbiased, objective data on the conditions and practices in Maryland correctional institutions that can guide future reforms.

To help inform you regarding the conditions in Maryland's prisons, I have included with this submission correspondence from six Jessup Correctional Institution inmates: Dominic I. King, Steven M. Johnson, Anthony Johnson, Terry L. Carter, Ibrahim (Gerald) Dennis, and Deriation Kent.

- Mr. King has been incarcerated for 25 years. He discusses the use and misuse of illicit prescription drugs being tolerated by correctional officers, officers asleep on duty, roach infestations, the lack of emergency communication systems, delays in responding to medical needs, leaky ceilings and black mold, the need for mental health services, and a lack of communication and cultural competency among correctional and nursing staff.

- Mr. Steven Johnson has been incarcerated for 43 years. He describes mistreatment of visitors, retaliation for reporting abuse, medical complaints, and various other situations that could be addressed by a correctional ombudsman.
- Mr. Anthony Johnson has been incarcerated for 36 years. He describes failures in disciplinary proceedings and related processes.
- Mr. Carter has been incarcerated for 27 years. He urges that he has witnessed persistent and routine issues with mental and physical medical treatment, unsanitary conditions of mold and insect and rodent infestation, failures in addressing drug use by inmates.
- Mr. Dennis reports inadequate medical assistance, issues with segregation practices, and poor maintenance of facilities.
- Mr. Kent has been incarcerated for 30 years. He highlights unlawful inmate deaths that have occurred because of poorly trained and ineffectual staff as well as airborne mold infestations.

I encourage you to read the correspondence from these individuals and **I respectfully urge this committee to return a favorable report on SB0134/HB0297.**

Dominic I. King
285-879/0905519
Jessup Correctional Inst.
P.O. Box 534
Jessup, MD 20794

November 8, 2023

SB0134/HB0297

To: The Senators and Delegates of the Maryland General Assembly Judicial Committee.

I am a Maryland resident, currently housed at the Jessup Correctional Institute. I received my sentence in June of 1999 for the offence of murder, committed while under the influence of crack-cocaine. I have been housed in JCI for the entirety of my 25 years of incarceration. Since my arrival, I have seen the changes that have taken place here, both good and bad. Despite recent changes for the better, there are still important issues that need to be addressed, changes that probably won't take place unless outside influences have some kind of input. The following issues can be considered threats to health and/or safety of both incarcerated citizens and correctional officers, such as:

1. Drugs

The use of illicit and misuse of prescription drugs is not enforced when it's clear that an inmate is intoxicated, getting intoxicated or overdosed. An illicit substance known as "Squares" (tiny pieces of paper sprayed with chemicals) is smoked 24 hours a day 7 days a week in every housing unit. There are no consequences for getting high in prison. The secondhand smoke from squares smoking causes dizziness light headedness for those of us who don't smoke. The substance emits a strong odor and fumes that cannot be ignored, yet the correctional officers do by escaping to the control center, leaving the rest of us to breath toxic secondhand smoke. Maryland Health General regulations prohibit smoking on state property, but officers not only allow smoking, but also smoke cigarettes out behind the building during lock in hours. Opiate use is also a problem causing many overdoses. When an inmate overdoses he is revived, given water, told to urinate at least twice and sent back to his housing unit where they typically go right back to using and overdosing. No treatment services or accountability are required.

2. Officers asleep on duty

This is a common occurrence at JCI during all shifts, even during mass movements. Some officers have been seen nearly asleep while standing on post in a packed dining hall. This is a real threat to safety for everyone, but there are no reprimands. Someone could get hurt while an officer is asleep on post.

3. Roaches

JCI has a roach infestation problem; the roach poison devices and extermination procedures have been ineffective as they are inadequate and improperly applied. There are cells with individuals who do not clean and possess an extreme amount of personal property that helps the roaches to hid, breed and spread. Complaints are met with only a half hearted effort to fix the problem.

4. Emergency Communication

Cells at JCI are not equipped with emergency communication systems for people who may be having a medical emergency such stroke, heart attack, diabetic emergency, asthma attacks and physical altercations. Several people have died from not being able to communicate with the control center during an emergency. The only ways to alert an officer to an emergency is to kick the door or alert

5. The Medical Department

The JCI medical department consistently fails to respond to sick call request within the 72 hour window of reponse. JCI residence are more likely to be prescribed a medication than to receive actual treatment, resulting in several sick-call request and months and years of waiting for real treatment. To date, I have been seeking treatment for a hernia for 18 months. Several inmates were miss diagnosed for other illness when in fact they were suffering from cancer only to find out later they were dying. Slow medical treatment is JCI's biggest problem next to drug addiction.

6. Leaky Ceilings and Black Mold

Several teirs have ceilings that leak badly during heavy rains. In between showers black mold has been growing for years. At times the leaks are bad enough for chunks of the ceiling to fall to the floor. Dayroom ceilings are high, so falling debris can be hazardous. Little to no efforts have been made by the maintenance department to make repairs.

7. Mental Health Services

JCI is the institution where the new Peer Specialist Program was started. Inmates are now able to sit with someone to help with addictive, and compulsive behavior; however, as a Specialist and long time resident of JCI, I am aware of cases where more mental health services are required. Most inmates suffering from a disturbance are placed in an isolation cell and monitored by an inmate "Observation Aide." This practice was once done within the general population, until a few men were accidently released during "mass movement" of a housing unit. In one incident 3 people were attacked when a inmate on observation was accidently released. I believe more should be done to diagnose, observe and treat mental illness in Maryland prisons.

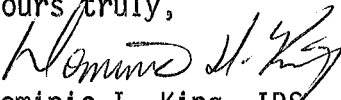
8. Communication & Cultural Competency

JCI's correctional and nursing staff are overwhelmingly native Africans. Because of this, a cultural power dynamic and language barrier exist and is the cause of daily confrontation between officers and the residents of JCI. If it is necessary to staff the institution with predominantly African officers and nursing staff to maintain a disconnect from our communities, these officers should at least be required to take cultural competency training to reduce conflict between staff and inmates.

Since I've never been housed at another institution, I can not tell if these conditions exist elsewhere. But I do know they have been real issues at this institution for several years, if not decades. The drug epidemic and obvious indifference is apparent. I believe independent outside oversight would be effective in keeping those responsible for professional behavior and services accountable for their job performance.

I pray that you will vote in favor of the Maryland Ombudsman Bill this legislative session. Keep in mind, that all of us are just one decision away from living in these conditions; it could be you or one of your loved ones. Thank you for your time and consideration.

Yours truly,


Dominic I. King, IPS

TO: JUDICIAL PROCEEDINGS & JUDICIARY COMMITTEES

RE: CORRECTIONAL OMBUDSMAN

JAN 2024

SB0134/HB0297

Dear Delegate

My name is Steven M. Johnson 155865, I reside at the Jessup Correctional Institution (JCI) in Jessup MD.

I am a Maryland Resident from ST. Mary's County. I have 43 Years in a Life Sentence.

An Ombusman is something is way past needing. In this their is so much Corruption in D.O.C. w/out someone to check on what is going on. By this I mean with no one to look at the facts the Facilities pretty much do what they want in here as far as violating not only our Constitutional Rights but, that of our people.

An oversight is in badly needed. A few Years back at MCI-H my Grandmother was coming to visit me. She had a Pacemaker and she had Documentation from her physician and other documentation that she had a Pacemaker. They made her go through the Metal Detector on Two seperate occassions. Shortly after that incident her Pacemaker Stopped working and had to be rushed to the Hospital and died shortly after that. I feel that she had a new Pacemaker and it would not have stopped if she had not been forced to go through the Metal Detector.

Also recently I was at Roxbury Correctional Institution and a Lt. Rupt spit on me. I reported it and wrote an ARP on it. Captain came and threatened me for writing it. I asked for this Lt.(Rupt) to be tested especially with COVID - 19 going around. Captain Apple threatened to place me on Lock-up. Stating he would stop all my mail to and from the Courts and throw me in Butt Naked Room for Good Measurer. I had written to the MD State Police but all that showed up was Captain Apple with my letter in hand (I think he interceded with my Out Going Mail to MD State Police?).

Their is no one here to intercede on our Behalf on Medical Complaints. It has taken me 2 Years to get Cataract Surgery on my Right Eye and they still have not fixed it properly for the Eye keeps dropping down and shutting. University of MD Hospital said if they had known about this they could have fixed my eye when they did the Cataract Surgery. I told the Eye Doctor about this and even Filed an ARP (Goes unanswered like all ARP'S at this Institution).

I have a AA Degree from Hagerstown JR. College. While I was taking the class the instructor was harassed by Staff because she was teaching a Class. She would tell us how sometimes they would try to Strip Search her as a Deterrent from coming in and teaching us. She would say "I feel safer with you guys than I do with the Correctional

Officers"!

I myself have been in 5 Different Institutions in last Two years. Usually happens when ever I start writing Medical up for refusing to treat me or such as, I've been asking for an MRI for my Torn Left Rotator Cuff (I was diagnosed at Roxbury Correctional Institute after going to Physcial Therapy. I was moved to MCI-H to partisparte in programs and get a job in Maryland Correctional Enterprises. I was their for 6 weeks. I complained about medical was promptly sent out to WCI.

At Western Correctional Institution I was working Ground Maintenance, on the list for Vocational Welding School, and on the MCE Furniture List. I was moved again, for complaining about Medical not giving me my medication and interfering with my Chronic Care visit.

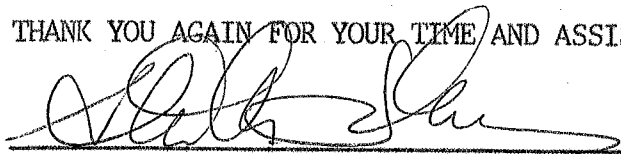
Presently at JCI I am being denied a MCE Job because I moved on the Veteran Tier (No Longer a Veteran Tier) and was promptly given a Sanitation Job was told that as a Honorable Discharged veteran that we had Preferential Treatment as far as Housing and Jobs. I am now being told that no longer exists for Case manager has had my name for 6 months & refused to place me on MCE List due to I have was given a Satiation Job even though the DCD states that F/S does not count toward a Prefered Job. On top of it they work us 7 Days a week but will only pay us for 5 days a week. When I write to Chief of Security she claims No One get's paid more than 5. Though inmates on another Housing Unit do get paid for 7 days a week.

Kefee just raised prices by 10% yet according to the News Inflation only went up 3.7% so why is Kefee Constantly raising Prices and we do not get a increase in pay? Where does the money go to for other than Videos I see nothing else. No new Gym equipment (or even something for us older guys Exercise Bike or Rowing Machine)?

An Ombudsman is in desperate need for their wide-spread - systemic issues.

Closing out I ask for a FAVORABLE - VOTE in SUPPORT of the CORRECTIONAL OMBUDSMAN BILL.

THANK YOU AGAIN FOR YOUR TIME AND ASSISTANCE.



STEVEN M. JOHNSON 155865/219048

P.O.Box 534

Jessup MD 20794

[JESSUP CORRECTIONAL INSTITUTION]

FOR SUPPORT OF THE CORRECTIONAL OMBUDSMAN BILL

GUIDANCE FOR WRITTEN TESTIMONY (2024 Legislative Session)

Name: Anthony Johnson, #192-387 SID#996-375 *AK*

Location: P.O. Box 534 (Jessup Correctional Institution)

Date: January 2024

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

In Favor- Correctional Ombudsman Bill # SB 0134/HB 0297

Hello, I am a Maryland resident and I have been incarcerated for 36 years on a first degree murder conviction. Being incarcerated brings many challenges to my mental and physical health and overall well being. I support a favorable vote on the Ombudsman bill.

Here's why. I was mislabeled a BGF Black Guerrilla Family gang member. I filed with the Inmate Grievance Office, and had a hearing where prison "Intel" prison representatives was allowed over my objection to present documents that I was not allowed to see. These documents were institutional administrative segregation papers that I allegedly signed when they allegedly placed me on admin. segregation for have gang paperwork of some kind. I asked the IGO Judge to allow me to see those admin. seg. papers I allegedly signed because I was never placed on administrative seg. during the course of my entire incarceration. The Judge would not let me see them, allegedly confidentiality and security reason. If I could review those ad-seg documents, I would have been able to clear my name. That IGO process was a sham and I still have this false gang affiliation on my jacket. There clearly has to be some oversight in these processes because this false label has hindered my chances for release and certain institutional jobs.

I strongly believe oversight in this area would prevent others from suffering being wrongfully accused of something that can badly affect your life in prison and in society. I sincerely urge that this bill pass. Thank you.

The Maryland Alliance for Justice Reform
www.maj4.org

11/9/2023

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees

In Favor-Correctional Ombudsman Bill # SB0134/HB0297

To Whom It May Concern:

I am writing to express my support of the above bill. As a Maryland correctional resident having served nearly 27 years, I have extensive personal experience of the procedures that have governed the internal operation of various correctional facilities and the negative effect they have had on myself as well as the incarcerated community at large.

Having that experience, I believe that independent oversight is long overdue and necessary to maintain a safe and secure environment that is indispensable to preserving the central rehabilitative role of corrections.

A few of the challenges that are persistent to my experience is the routine neglect of mental health and effectual medical treatment, the unsanitary conditions of mold, insect and rodent infestation, and the general incompetence of staff and administration regarding violence reduction and drug use.

Independent oversight in the listed areas is paramount to countering the adverse results of suicides, escalating health conditions, and rampant disregard of institutional welfare by providing a meaningful recourse to existing issues through forced accountability.

As such, and with my support, it is my hope that the upcoming Correctional Ombudsman Bill will pass.

Sincerely,



Terry L. Carter II

#1794751 (278-206)

Jessup Correctional Institution

P.O. Box 534

Jessup, Maryland 20794

Ibrahim (Herald) Dennis #3700635

Jessup Correctional Institution

P.O. Box 534

Jessup MD 20794

SB0134 / HB0297

To: The Maryland General Assembly Judicial Proceedings and
Judiciary Committees

I am writing this letter to show my support for the Ombudsman bill. I am a Maryland Resident and have been for the entire 29 years that I have been living. I support a favorable vote in support of the bill.

When there is no independent oversight over the correctional operations it leaves room for inadequate medical assistance. Likewise, individuals who are on segregation are almost forgotten and don't receive proper attention which splinters the rehabilitation process. Housing Units are left unattended in a proper manner receiving poor maintenance. These are just some problems that arise from having no independent oversight over the correctional operations.

Adopting an independent oversight to the correctional operations process is the solution. Implementing this process will curb many issues and problems by bringing them to the forefront and allowing them to be remedied before growing into widespread systematic issues.

In closing, I again would like to ask for a favorable vote in support of the Correctional Ombudsman Bill. I greatly appreciate your time in reading this

The Maryland Alliance for Justice Reform
www.maj4.org

11/10/2023

To the Maryland General Assembly Judicial Proceedings and Judiciary Committees
IN FAVOR-Correctional Ombudsman Bill # SB0134/HB0297

To Whom It May Concern:

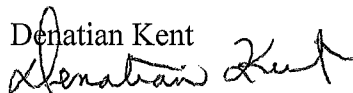
I am currently a Maryland Incarcerated citizen. I have been incarcerated since 1993 and I am in support of the above bill.

Without independent oversight of correctional operations, the State of Maryland is being held liable in lawsuits for unlawful deaths due to ineffectual training of staff that are negligent in their duties. In addition, the airborne mold infestation is an ongoing problem that needs to be addressed.

My experience with the medical department includes witnessing staff stating, "I don't want to touch an inmate" during critical C.P.R. emergencies.

As such, independent oversight will bring to light these errors and produce a permanent state of professionalism.

I ask for a favorable vote in support of the Correctional Ombudsman Bill.

Denatian Kent

#1468008
J.C.I.
P.O. Box 534
Jessup, Maryland 20794

SB 134.pdf

Uploaded by: UM SWASC

Position: FAV

SUPPORT OF SENATE BILL 134

Office of the Attorney General - Correctional Ombudsman Unit
Finance Committee
February 8, 2024
FAVORABLE

Good afternoon, Chair Smith, Vice Chair Waldstreicher, and Judiciary Committee members. I am Derrick Whiting, representing the collective voice of **Social Work Advocates for Social Change**, a passionate graduate student coalition at the University of Maryland School of Social Work. On behalf of our organization, I am writing to express our enthusiastic support for Senate Bill 134.

Senate Bill 134 is a crucial initiative aimed at establishing the Correctional Ombudsman Unit in the Office of the Attorney General. As a returning citizen who has personally experienced incarceration, I believe this legislation represents a critical step forward in addressing the pervasive issues of mistreatment and abuse within the correctional system.

During my time in incarceration, I witnessed and personally endured instances of abuse that went unaddressed due to the lack of effective oversight mechanisms. Senate Bill 134, with its proposal for the Correctional Ombudsman Unit, offers a promising solution to rectify this gap and introduces much-needed accountability, transparency, and justice within the correctional system.

The provisions outlined in the proposed Unit, granting it the authority to investigate administrative acts, conduct independent reviews of correctional facilities, cooperate with agencies to prevent abuses, and maintain a public-accessible website for reports, are pivotal steps in shedding light on potential violations of rights and improving the overall conditions within the correctional system.

I wish to express my particular appreciation for the inclusion of safeguards against reprisals for employees providing information to the Unit. This provision not only fosters a culture of accountability and transparency within the Department of Public Safety and Correctional Services but also serves as a protective measure for those courageous individuals who come forward to disclose information about potential abuses.

The establishment of the Correctional Ombudsman Advisory Board, comprising representatives from family members of confined individuals, returning citizens, correctional officers, and individuals with backgrounds in health care and social work, ensures diverse perspectives in identifying matters for investigation.

In conclusion, Senate Bill 134 is a pivotal piece of legislation that holds the promise of significantly contributing to the well-being and rights of individuals confined within the correctional system. I wholeheartedly urge the committee to support and pass this bill, recognizing its paramount importance in creating a fair and just correctional system.

--	--	--



For more information, please contact

Derrick Whiting

Derrick.Whiting@umaryland.edu

I respectfully urge the Judiciary Committee to support and pass Senate Bill 134. Thank you for your attention to this matter and for your ongoing commitment to the well-being of Maryland's families.

I urge you to issue a favorable report for SB 134.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

--	--	--

2024-02-06 - SB 134 - Sample Complaint Letter2.pdf

Uploaded by: Anthony Brown

Position: FWA



OFFICE OF
 THE ATTORNEY GENERAL
 CONSUMER PROTECTION DIVISION
 200 SAINT PAUL PLACE
 BALTIMORE, MARYLAND 21202-2021



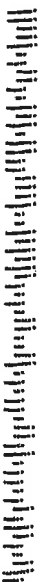
RECEIVED
 OCT 04 2023
 BY: *QJP*

Public Safety & Correctional Services
 6776 Reisterstown Road, Suite 311
 Baltimore, MD 21215



US POSTAGE PAID
 ZIP 21202 \$ 0.00
 02 4W
 0000371609 SEP 28

2121532913 0058



WISMAN R. LONCASTREET # 363532/2852512
NBCZ
14100 Mcmillen Hwy, SW
CUMBERLAND, MD 21532

BALTIMORE MD 212
25 SEP 2023 PM 4 L



ATTN. GEN. ANTHONY G. BREWEN
OFFICE OF THE ATTORNEY GENERAL
200 ST. PAUL PL.
16TH FLOOR.
BALTIMORE, MD 21202

21202-995400



September 20, 2023

Wysan R. Longstreet #363532/2852512
North Branch Correctional Institution
14100 McMullen Hwy, SW
Cumberland, MD 21502

Re: My life is in Danger

Dear Attn. Gen. Brown, (page 1 of 4)

Due to the complaint I had filed with your office and my meeting with Det. Sgt. Cheng, Warden Nines, Chief Stotter, Capt. Caple, Capt. Christ and Sgt. Crow has retaliated against me by removing me from administrative segregation. I am currently safe within my current location but within a few weeks or so I will be housed inside Housing Unit #3 where Dead Men Incorporated (DMI) gang members reside. This is a huge problem because on July 12, 2022, within the Washington County Circuit Courthouse, I had testified against Phillip Sister who is a non member of DMI. While I was housed within WCI during September, 2022 inmate Sister and a few of his gang associates were housed next door to me, which caused the to notify their associates who are currently housed within NBCI. I've notified Warden Nines and the appropriate staff of said danger but they do not because they want me to get murdered or refuse

(2 of 4)

housing so they would have a reason to have me placed in disciplinary segregation. No one came to speak with in order to verify the fact I possess names, phone numbers, inmate ID number, four digit, timeframes of phone call proving Sisler and his gang associates are in contact with their associates who are housed within NBCI. That particular group of DMZ members were housed within this region after that had attacked correctional officers within ECI during September, 2022.

Yesterday, I had met with Case Manager Gainer through Ms. Pirardi. During said meet Mr. Gainer had taken from me the criminal case number which is associated with said testimony, but he refused to view other related documents, or accept addition information I possess. Then, Mr. Gainer stated how Chief Stutler had conducted an investigation but he did not discover any evidence which would prove I'm in danger. How could he have investigated when he nor staff retrieved from me the information I possess. That is because he had not done due to the fact he is aware of said danger due to my previous notification, and the fact he is attempting to have me murdered by DMZ.

Also, I recently notified Capt. Caple and staff of the fact inmate Jackson and other are distributing narcotics; which led to my initial complaint to your office. I've also

(3 of 4)

filed ARP complaints regarding such, which were mishandled by Co Long. Now you know if I'm housed within the same housing unit with inmate Jackson and his gang associates, along with said DMZ gang members I will surely be stabbed within that week, or the next day.

I am positive Warden Nines and his staff is intentionally placing me in danger, because my seg review was held on August 2, 2023 and again on August 30, 2023. Seg reviews are held every 30 days. Plus, as I had previously written to you, on August 23, 2023 Sgt. Crow threaten to have me "fucked up." Then 7 days later I'm scheduled to be placed in danger. Really.

I've already notified the senator, Gov. Wes Moore and others, now I'm notifying you of how I will be murdered, or forced to fight for my life if I'm housed amongst the general population. I do not care if I'm housed within the segregation building or stay inside of this cell, as long as I'm not housed within the general population. Your prompt response would be greatly appreciated, because I'm tired of being stabbed by inmates due to staff misconduct.

Lastly, I continue to explain to Case Management and the Commitment Office how Subtitle 5, Mandatory Supervision, § 7-501, Release on mandatory supervision grants the DPSCS the power to release me from prison on

(4 of 4)

mandatory supervision as an inmate who was convicted of a violent crime, but they refuse to listen or verify such by examining said law. Mr. Gainer claim you did not notify him or his co-worker of said change ~~it~~ with said law so he does not have any interest. Would you please verify how said law has been revised, then notify ~~the~~ The Case Management Supervisor within Headquarters so they may notify Mr. Gainer and the rest of prison case managers? Please. Said rule states, "An inmate convicted of a violent crime committed on or after October 1, 2009, is not eligible for conditional release under this section until after the inmate becomes eligible for parole under § 7-301(c) or (d) of this title." As you all ready know, I'm eligible for parole as of 2021, and I'm not a sex offender, nor am I sentenced to life without parole. I've been incarcerated for over 14 and a half years after being sentenced to 25 years. If the Department release me on mandatory supervision they would not have to worry about me. I could continue building my legacy and so-furth. I simply want to get the hell out of prison and began my new life on the outside. Thank you for your time and help. I hope to hear from you soon. God bless.

Respectfully submitted,
Nupan Jangtree

2024-02-06 - SB 134 - Sample Complaint Letter3.pdf

Uploaded by: Anthony Brown

Position: FWA

12/22/23

Dear Attorney General Brown,

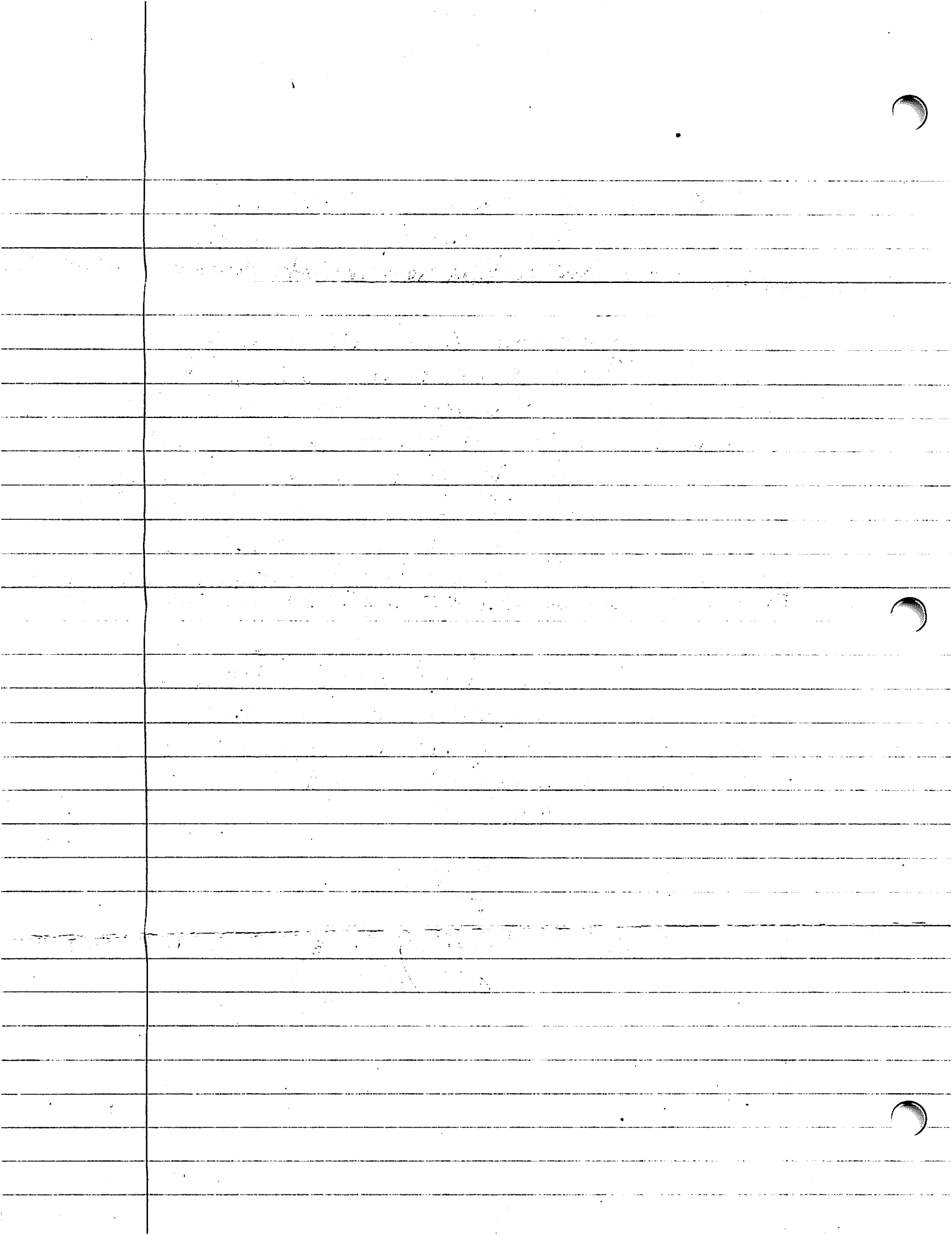
This is my second time writing you about my individual experience with the Maryland Criminal justice system. I am serving a 13 year sentence for a misdemeanor violation of probation. I have served nearly 5 years of this sentence without any infractions or conduct issues. Prior to my incarceration I worked for an engineering company and had attended college until my junior year. I previously wrote to you about my plight with the Maryland Parole Commission. It also has to be mentioned that I am enrolled in Georgetown University and earning my degree while I am here in prison. I'm sure that you have received some insight into how the State of Maryland can reduce the high rate of black males that it incarcerates. Attorney General Brown the Parole system is a vital part of the problem. Parole in Maryland is too focused on retribution and not concerned with if a person has changed and can add to the community in a positive way. The only thing I have control over is my own commitment towards being a better person, learning from this experience and being successful in my life. My ability to earn a living and provide for my children were not considered in the decision to deny me parole. I have a supportive family behind me, a great home plan and a job waiting for me. How long am I

Supposed to expect an employer to wait for me? Over 5,900 individuals went up for Parole last year in Maryland and 959 were granted Parole. I'm having a hard time understanding how a person can do everything humanly possible to follow the rules and guidelines and actually commit to changing their life and yet still be denied Parole. I was originally granted a re-hearing but was told my re-hearing was cancelled and my parole was being denied for writing a letter. This letter expressed my growth as a person, and how remorseful I am for my past and for putting myself in this situation. How could this be considered as a bad thing or used as a reason to deny someone parole? It's unfair and unjust and my family and myself have been hurt tremendously by a decision that gave no concern to me as a human. The Maryland Parole Commission is so dedicated to saying no and to keeping people in prison as long as possible. I was told to ask for a reconsideration in two years. Two more years confined, still following the rules, still educating myself and two more years not providing for my children. It is beyond discouraging and my belief in the system and justice does not exist. I am 42 years old and have been incarcerated during a time that I should have been gaining ground in my career and raising my children.

I believe that any criminal conviction misdemeanor or felony in Maryland is the justification for a long sentence. At some point someone has to see that 42,000 spent on inmates for years is not fiscally reasonable. It especially makes no sense if that individual is incarcerated for a misdemeanor, is college educated, and has the necessary tools to be successful in the community. Thank you again for taking the time to read this letter. There are so many issues with the system but it would take too many letters to express them. I saw you on tv and I hoped that you would be genuine in your questions about how we can change things in Maryland. It remains to be seen how much change will actually come about and how soon it can be expected. Please help because you don't fully understand how much it is needed.

Sincerely,
Eric Fox





2024-02-06 OAG Amendment to SB 134.pdf

Uploaded by: Anthony Brown

Position: FWA

OAG Amendment to SB 134

On page 1, strike line 2 in its entirety and substitute “State Government – Office of the Correctional Ombudsman – Establishment”; in line 15, strike “6-901 through 6-907” and substitute “9-3801 through 9-3807”; in line 3, after the second “the” insert “Office of the”; strike beginning with “in” in line 3 down through “General” in line 4 and substitute “as an independent unit of State Government”; in lines 4, 7, 11, and 12, in each instance, strike “Unit” and substitute “Office”; in line 12, after “the” insert “Office of the; and strike beginning with “9.” in line 15 down through “Unit” in line 16 and substitute “38. Office of the Correctional Ombudsman”.

On page 2, in line 1, strike “9.” and substitute “38. Office of the”; in the same line, strike “Unit”; in line 2, strike “6-901.” and substitute “9-3801”.

On page 3, after line 8, insert:

“(e) “Office” means the Office of the Correctional Ombudsman.”; in like 9, strike “(e)” and substitute “(f)”; strike lines 12 and 13 in their entirety; in line 14, strike “6-902.” and substitute “9-3802.”; in line 18, strike “Unit” and substitute “Office”; and in line 21, strike “Attorney General” and substitute “Governor”.

On page 4, in lines 1 and 7, in each instance, strike “Unit” and substitute “Office”; in line 3, strike “Attorney General” and substitute “Correctional Ombudsman”; and in line 6, strike “6-904. and substitute “9-3804.”.

On page 5, in lines 11, 14, 15, 24, 26, and 28, in each instance, strike “Unit” and substitute “Office.

On page 6, in lines 2, 4, 6, and 11, in each instance, strike “Unit” and substitute “Office”; strike lines 8 through 10 in their entirety; in lines 21 and 32, in each instance, strike “Unit’s” and substitute “Office’s”; and in line 29, strike “Unit and the office of the Attorney General” and substitute “Office”.

On page 7, in lines 3, 13, and 30, strike “6-905.”, “6-906.”, and “6-907.” and substitute “9-3805.”, “9-3806.”, and “9-3807.”, respectively; in lines 4, 10, 14, 17, 19, 21, and 25, in each instance, strike “Unit” and substitute “Office; and in line 29, strike “Unit’s” and substitute “Office’s”.

On page 8, in lines 5, and 18, in each instance, strike “Unit” and substitute “Office”; and in lines 8, and 9, in each instance, strike “Attorney General” and substitute “Governor”.

On page 9, in line 8, after “the” insert “Office of the”; in lines 8, 16, 17, 20, 23, 26, 30, 34, in each instance, strike “Unit”; in lines 16, 22, 30, and 34, in each instance, after “the” insert “Office of the”; in line 20, after the first “the” insert “Office of the”; and in line 22, after the second “the” insert “Office of the”.

2024-02-06 SB 134 (SWA).pdf

Uploaded by: Anthony Brown

Position: FWA

CANDACE MCLAREN LANHAM
Chief Deputy Attorney General



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

CAROLYN A. QUATTROCKI
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

LEONARD J. HOWIE III
Deputy Attorney General

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

February 5, 2024

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

Re: SB 134 – Office of the Attorney General - Correctional Ombudsman Unit

Dear Chair Smith:

The Office of the Attorney General (“OAG”) supports Senate Bill 134 (“SB134”) with amendments.

SB134 seeks to establish independent oversight of Maryland’s correctional system to ensure the safety and humane treatment of those incarcerated or under the supervision of the Maryland Department of Public Safety and Correctional Services (DPSCS). The need for increased transparency and accountability within the closed correctional environment is both urgent and well-established. Unfortunately, as currently drafted, SB134 places this oversight body within the OAG, which serves as legal counsel to DPSCS and any State official and correctional employee who is sued by prisoners for acts arising within the course and scope of their duties.¹ This professional responsibility to our agency clients would significantly undermine OAG’s ability to investigate individual complaints challenging the legality or sufficiency of DPSCS actions. As a

¹ In addition to the Assistant Attorneys General who advise DPSCS staff, OAG also has a Correctional Litigation Division which defends correctional officers and officials in civil lawsuits brought in state and federal court.

result, I urge the Committee to favorably report SB134, only as amended, to establish a truly independent correctional ombudsman office, detached from the OAG, consistent with every other jurisdiction that has created similar oversight mechanisms in recent years.

Nationwide, over 1.2 million individuals are incarcerated in state and federal facilities. The vast majority—1,039,500—are under the jurisdiction of state correctional authorities.² In Maryland, more than 15,000 individuals are currently incarcerated in DPSCS facilities, which exert total authority not just over their conditions of confinement, but also their access to health care, programming, personal items, and telephone, mail and other forms of communication. Not surprisingly then, the complaints raised by incarcerated individuals are often quite complex, involving multiple allegations of agency inaction or misconduct and numerous agency personnel.³ SB134 would require OAG to investigate and determine the legality of any DPSCS “action, decision, adjudication, failure to act, omission, rule or regulation, interpretation, recommendation, policy, practice, or procedure” that is the subject of a complaint, even as we advise and defend DPSCS against those same charges. While it is possible to erect ethical walls to address conflicts of interest on a case-by-case basis, the broad scope of SB134’s mandate would render such an effort nearly impossible and severely damage our attorney-client relationship.

According to surveys by the Brennan Center and the National Resource Center for Correctional Oversight, at least 20 jurisdictions have created correctional oversight entities.⁴ Based on our review, only one is connected to its state’s Attorney General, and in that case, solely for administrative purposes.⁵ Much more common, particularly in recent years, is the creation of correctional oversight entities as independent state agencies or units that operate separately from the department of corrections and their legal counsel.⁶ They include, for example, the Washington Office of the Corrections Ombuds (2018); the Minnesota Office of the Ombuds for Corrections (2019); the New Jersey Office of the Corrections Ombudsperson⁷ (2020); the Connecticut Office of the Corrections Ombudsman (2022); and the Virginia Department of Corrections Ombudsman

² https://bjs.ojp.gov/document/p22st_sum.pdf

³ See attached examples of complaints sent to OAG from incarcerated individuals over the past 6 months.

⁴ See <https://www.brennancenter.org/our-work/research-reports/landscape-recent-state-and-county-correctional-oversight-efforts> and <https://prisonoversight.org/oversight-bodies/prison-oversight/>.

⁵ The Hawaii Correctional System Oversight Commission is an independent commission attached to the state’s Office of the Attorney General for administrative purposes only. The OAG has no authority to appoint any member of the Commission or direct its activities. See <https://hcsoc.hawaii.gov/wp-content/uploads/2022/09/Act-179-HB1552.pdf>. (“There is established within the department of the attorney general for administrative purposes only a Hawaii correctional system oversight commission consisting of five members who shall be residents of this State and appointed as follows...”)

⁶ Interestingly, at least one correctional oversight unit has been placed in its office of the public defender. See, e.g., the Vermont Prisoner’s Rights Office which is charged with, among other things, investigating and informally resolving complaints and concerns of incarcerated people. <https://defgen.vermont.gov/staff/central/prisoners-rights>

⁷ Although the New Jersey Office of the Corrections Ombudsman had existed for nearly 50 prior to 2020, the New Jersey legislature passed [AB 3979](#) in 2019, which was signed by the governor in 2020 and significantly expanded the authority of the Office of the Corrections Ombudsperson to investigate complaints and inspect facilities.

(2023).⁸ Some states have placed the independent corrections ombuds in the equivalent of Maryland’s Department of Legislative Services.⁹

The ombudsman offices established in Washington, New Jersey, and Minnesota are particularly instructive. Similar to Maryland, the Washington correctional system consists of 12 detention centers and houses approximately 13,000 individuals.¹⁰ In addition, the duties of the Washington Office of the Corrections Ombuds (WOCO) are nearly identical to those proposed in SB134. WOCO is charged with receiving, investigating, and resolving complaints and monitoring departmental compliance with applicable federal, state, and local laws, rules, regulations, and policies as related to the health, safety, welfare, and rehabilitation of inmates. It must make its recommendations publicly available and report its investigative findings annually to the Governor and state legislature.¹¹ To accomplish its duties, WOCO currently employs 15 staff including a director, two senior corrections ombudsman, intake officers, investigators, and training, community relations, and records specialists.¹² In its 2023 annual report, WOCO reported opening 3,657 cases which represented complaints from approximately 1,779 incarcerated individuals.¹³

The New Jersey Office of the Corrections Ombudsperson (NJOCO) similarly serves approximately 12,000 incarcerated individuals in 11 facilities.¹⁴ NJOCO’s duties, expanded by statute in 2020, also track those enumerated in SB134 which include investigating complaints, inspecting prison facilities and operations, identifying systemic issues, and issuing annual reports on their findings and recommendations.¹⁵ Before the New Jersey legislature expanded its authority consistent with those in SB134, NJOCO consisted of 8 staff, and reported challenges to effectively receiving and responding to complaints.¹⁶ Between 2022 and 2023, NJOCO’s staff grew to 21 to better handle the more than 10,000 unique requests for assistance it receives each year.¹⁷ In his

⁸ <https://prisonoversight.org/oversight-bodies/prison-oversight/>

⁹ There are three jurisdictions who have oversight bodies that are either (a) housed within the state legislature, or (b) are independent bodies of the state legislature: Iowa, Michigan, and Ohio. Iowa’s Office of the Ombudsman is an agency attached to the State Legislature. See the FY 2023 Annual Report: <https://ombudsman.iowa.gov/reports/filters/1d9557929def4221a3ff989a59035448>. Michigan has a Legislative Corrections Ombudsman that is nonpartisan but not independent from the state legislature. See Public Act 46: [https://legislature.mi.gov/\(S\(lfganqmdm03kqae5ntvpjr5\)\)/documents/mcl/pdf/mcl-act-46-of-1975.pdf](https://legislature.mi.gov/(S(lfganqmdm03kqae5ntvpjr5))/documents/mcl/pdf/mcl-act-46-of-1975.pdf). In Ohio, the Correctional Institution Inspection Committee (CIIC) is a bipartisan, bicameral subcommittee of the Legislative Service Commission. The CIIC is comprised of state legislators working with professional staff who oversee Ohio’s Department of Rehabilitation and Correction (ODRC). See: <https://prisonoversight.org/oversight-bodies/prison-oversight/ohio/>.

¹⁰ https://oco.wa.gov/sites/default/files/Office_of_%20the_%20Corrections_%20Ombuds_FY2023_%20AnnualReport.pdf; <https://www.doc.wa.gov/corrections/incarceration/prisons/default.htm>; <https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/budget-drivers/prison-inmate-population>

¹¹ <https://oco.wa.gov/about-us/legislation>

¹² <https://oco.wa.gov/about-us/our-staff>. At its inception, WOCO sought to hire 6 full time staff. It also dedicated funding to setting up a website and developing a complaint intake database. See <https://oco.wa.gov/sites/default/files/documents/Annual%20Report%202018.pdf>

¹³ WOCO’s FY23 budget to support these expenditures was \$1.5 million and \$2.6 million for FY24.

https://oco.wa.gov/sites/default/files/Office_of_%20the_%20Corrections_%20Ombuds_FY2023_%20AnnualReport.pdf

¹⁴ <https://www.nj.gov/correctionsombudsperson/documents/annual-reports/2023AnnualReport.pdf>

¹⁵ <https://law.justia.com/codes/new-jersey/2021/title-52/section-52-27ce-28/>

¹⁶ <https://www.nj.gov/correctionsombudsperson/documents/annual-reports/Annual%20Report%2011-16-20.pdf>

¹⁷ <https://www.nj.gov/correctionsombudsperson/documents/annual-reports/2023AnnualReport.pdf> NJOCO’s budget for FY23 was approximately \$2.1 million. NJOCO reports that the most common concerns reported related to property (2,016 contacts), health care (1,948 contacts), housing and classification (1,618 contacts), telephone, mail, and electronic communication with people on the outside (1,055), personal safety (840 contacts), discipline and behavior management (764 contacts), conditions of

written testimony before the Judicial Proceedings Committee last session, New Jersey Ombudsman Terry Schuster stated that this staffing level allowed NJOCO to “have people on-site in nine prisons, inspecting facilities, surveying incarcerated people, answering hotline calls, gathering data, and holding community meetings.”¹⁸ NJOCO also credits the development of its electronic complaint system for enabling it to efficiently receive and respond to complaints.¹⁹

Minnesota’s correctional system is comprised of 11 prisons with an adult population of approximately 8,000 individuals.²⁰ Like its counterparts in Washington and New Jersey, the Minnesota Office of the Ombuds for Corrections (MOBFC) has the authority to investigate complaints, inspect prison facilities and operations, identify systemic issues, and issue annual reports on their findings and recommendations.²¹ In its first year of operation, MOBFC reported using funds to hire five staff, secure permanent office space with furniture and IT systems, create a website, and procure a customized comprehensive case-management software application.²² Currently, MOBFC operates with seven full time staff and reported receiving 514 complaints in 2023. They also “conducted several systemic investigations; worked with [their] stakeholder advisory group; completed a collaborative pilot project with the Department of Corrections to better communicate and support loved ones of incarcerated people, and developed an extensive report related to communication costs in facilities.”²³

Each of these offices reflects the best practice of establishing correctional oversight entities as independent agencies detached from correctional agencies or a state office of the attorney general. They also demonstrate that regardless of where such an office resides, its success will require significant investment by the state. Although it is impossible to accurately predict the volume of complaints that Maryland’s correctional ombudsman will receive—as demonstrated above, states with similar incarcerated populations have received a wide range of requests for assistance—we must equip that office with the resources necessary to make measurable progress towards its statutory mandate and its overarching goal of promoting justice in our correctional system.

For these reasons, I urge the Committee to adopt the attached amendments establishing an independent correctional ombudsman office. I also urge the Committee to require immediate funding for a minimum of five staff and the development of a complaint tracking system.²⁴ As an

confinement (684 contacts), and legal access or records (659 contacts). These are similar to the issues raised in complaints to OAG regarding DPSCS facilities.

¹⁸ https://mgaleg.maryland.gov/cmte_testimony/2023/jpr/1ddZEdDgz9uKXzjRTrJEJlGrwWch9MDKe.pdf

¹⁹ <https://www.nj.gov/correctionsombudsperson/documents/annual-reports/Annual%20Report%2011-16-20.pdf>

²⁰ https://mn.gov/doc/assets/Adult%20Prison%20Population%20Summary%201-1-2023_tcm1089-561955.pdf

²¹ <https://www.revisor.mn.gov/statutes/cite/241.93>

²²

https://mn.gov/obfc/assets/Ombuds%20for%20Corrections%20Annual%20Report%202020%20without%20Appendices_tcm1157-470277.pdf

²³ MOBFC’s budget for FY23 was \$753,000 and \$ 1.1 million for FY24.

https://mn.gov/obfc/assets/Ombuds%20for%20Corrections%20Annual%20Report%202023%20FINAL%20_tcm1157-608078.pdf

²⁴ We imagine that a truly independent correctional ombudsman office will operate like that of the Office of the People’s Counsel, which assists residential customers of natural gas, electric, private water, and telecommunications utilities. See <https://opc.maryland.gov/>.

independent agency, additional funding for office space, equipment, and other organizational costs may also be necessary. But these additional funding requirements exist regardless of where the independent agency is placed within the organization of State Government. The State should revisit this funding level each year to evaluate its continued sufficiency.

It cannot be overstated: mass incarceration is one of this country's most destructive consequences of systemic racism. Of the 15,000 individuals currently incarcerated in DPSCS facilities, nearly 73% are Black—even though Black people make up only 31.7% of the State's population. Black men in particular are serving the longest sentences, making up nearly 8 in 10 Marylanders who are imprisoned ten years or more.²⁵ These disparities point to systemic issues within the criminal justice system that demand comprehensive reform of our state correctional system. It is my commitment to developing well-researched, comprehensive, and consensus strategies for eliminating mass incarceration that prompted me to create the Maryland Equitable Justice Collaborative (MEJC), in partnership with the Public Defender of Maryland, academic partners from the University of Maryland system, and representatives from over 40 community organizations and government agencies, including impacted individuals. In planning for MEJC's launch, the Public Defender and I met with numerous impacted individuals and advocates whose shared their concerns about the widespread lack of programming, poor health care, and deteriorating conditions existing in correctional facilities.²⁶

Learning from these experiences, we can achieve a correctional system that more closely mirrors our Maryland values of fairness, equity, and justice for all. The establishment of a truly independent and well-resourced Correctional Ombudsman Office will be a crucial step to improving transparency and accountability and ensuring the safety and security of our correctional system.

Sincerely,



Anthony G. Brown

²⁵ https://justicepolicy.org/wp-content/uploads/2022/02/Rethinking_Approaches_to_Over_Incarceration_MD.pdf

²⁶ MEJC members, through the Prison, Jail, and Detention Facility Reform Work Group, are currently working to examine and recommend strategies for promoting more humane and healthy conditions for incarcerated persons, more effective rehabilitative services, more seamless reentry, and reduced recidivism to benefit incarcerated persons, their families and communities, as well as prison staff. We expect to issue our recommendations in January of 2025.

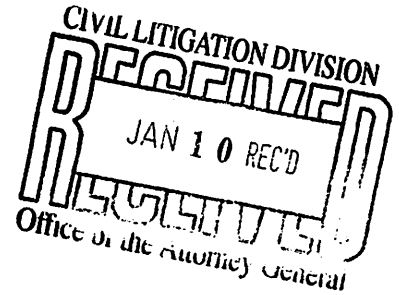
2024-02-06 SB134 - Sample Complaint (Drug Treatmen

Uploaded by: Anthony Brown

Position: FWA

January 3, 2024

To Attorney General Anthony Brown
Attorney General Office
200 St Paul Place
Baltimore, Maryland 21202



Dear Sir,

I would like to thank you for taking the time to read this letter, I am aware of your busy schedule, however I need your help with this situation and hope you will consider whatever help you are able to provide my son.

I would like to start out with some of his history regarding is incarceration, He has a long record of drug offences. My son has spent a great deal of his life behind bars because of his addiction. I would have to write a book dating back several years of his life to bring you up to speed so that I will not do. My concern is his incarceration now and how he returned to prison, again his addiction is and was the culprit which caused him to violate his parole. He spent 2 ½ years in lock up in Ludlow jail, in Massachusetts where he did receive a bail in November of 2022 in which he refused, Maryland was notified and he was transferred to JCI Maximum in Maryland where he stayed until he was recently moved in December 2023 which is a minimum security facility. My son has only had two (2) infractions in his time being incarcerated. There is a concern about the actions at JCI facility, to my knowledge there has been more time added to his max date. He has informed me that he is pursuing a case against the Baltimore Parole Board and the Warden at JCI because of the time added. I also have a concern about his addiction issues being addressed. He has been placed in 8505-8507 was denied Parol to a drug program on six (6) separate occasions.

There are issues of his mental health as well, his drug abuse has truly hindered his life in being a productive citizen of society. He suffers with Depression, Post

1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

Traumatic Stress disorder, Anxiety, Panic disorder and Hypertension, he does take medication for his issues daily.

My son does need help with his addiction to understand that it is real and not something he can control on his own. I feel a drug program would ideal for his situation where he can get the education he needs to better understand the seriousness of addiction. My son has graduated with his GED which he got while being incarcerated. He has a good mind and can and will live the rest of his life as a good man and a father. He does have two daughters who are young adults that need his support. Not to mention I also need his help. I am getting up in age.

Please Sir, whatever help you can do to help my son with I would be very grateful. I guess now would be a good time to tell you who I am and who my son is.

My name is Stephanie Howard I am his mother, I live at 41 Charles Street in Binghamton, New York 13905

My son's name is Kareem Akbar, He is housed in Central Maryland Correctional Facility, 7301 Buttercup Road, Sykesville, Maryland 21748

Sincerely

Stephanie Howard

A handwritten signature in black ink that reads "Stephanie Howard". The signature is written in a cursive style with a large initial 'S' and a long, sweeping underline.

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

SB 134 Correctional Ombudsman Unit.docx.pdf

Uploaded by: Emma Holcomb

Position: FWA



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

Senate Judicial Proceedings Committee
SB 134 – Office of the Attorney General—Correctional Ombudsman Unit
Wednesday, February 7, 2024 at 2:00 PM
Position: Support with Amendment

Disability Rights Maryland (DRM) is Maryland’s state-designated Protection and Advocacy organization, empowered under state and federal law to protect individuals with disabilities from abuse, neglect and civil rights violations. Over the past decade, DRM has advocated for improved conditions for individuals with serious mental illness and other disabilities in state correctional facilities, particularly those housed on segregation (restrictive housing) units. We have visited and toured many of the state’s facilities, reviewed thousands of pages of records, engaged with administrators and representatives of the Department of Public Safety and Correctional Services (DPSCS), and communicated with incarcerated individuals with disabilities throughout the State. Our testimony is informed by what we have learned through this work and from those who are directly impacted.

In 2021, we filed *DRM v. Green*, Case No. 1:21-cv-02959-MJM, in federal district court to secure the rights of individuals with serious mental illness to be free from the harm caused by segregation and to ensure that such individuals are provided with appropriate mental health programming and treatment. That case is still pending.

Maryland is responsible for the well-being of the people it incarcerates, but egregious rights violations and widespread injustices within Maryland’s correctional facilities currently continue with little outside oversight. Disability Rights Maryland hears frequently from incarcerated individuals and their loved ones about serious abuse, neglect, and rights violations that they face, but incarcerated individuals have few avenues to have their voices heard when their rights are violated, and even fewer avenues to seek redress for those violations. SB 134 would create a method of oversight and accountability that the Department of Public Safety and Correctional Services desperately needs. A Correctional Ombudsman Unit would have the power to investigate actions by DPSCS and by contractors, including rights violations suffered by incarcerated individuals. However, housing the Correctional Ombudsman Unit within the Office of the Attorney General (OAG) would create a conflict within OAG, as OAG also represents DPSCS. DRM supports an amendment that would establish an independent Correctional Ombudsman Unit.

A unit separate from DPSCS and the Office of the Attorney General that could investigate complaints and issue findings and recommendations, could assist incarcerated persons in addressing systemic issues within Maryland’s correctional facilities and mitigate rights

violations. It would also provide a method to address rights violations that fall within the gaps of current complaint issue areas, as complaints against contractors who provide medical and mental health services for DPSCS currently do.

SB 134 would also require the Ombudsman to report annually to the General Assembly, creating transparency around the work of the Ombudsman, systemic issues within DPSCS, and around how DPSCS responds to the Ombudsman's recommendations. DRM believes a Correctional Ombudsman program is needed and would provide a benefit to incarcerated individuals and their loved ones. We urge this committee to provide a favorable report on SB 134 if it is amended to establish an independent Correctional Ombudsman Unit.

Should you have any questions or need additional information, please contact Em Holcomb, Staff Attorney at Disability Rights Maryland, at emh@disabilityrightsmd.org or at 443-692-2536.

SB134_Burton_FAV with AMEND.pdf

Uploaded by: Evelyn Burton

Position: FWA



Testimony for SB134

Senate Judicial Proceedings Committee

Date: Feb 7, 2024

From: Evelyn Burton, Maryland Advocacy Chair, Schizophrenia & Psychosis Action Alliance

POSITION: SUPPORT WITH AMENDMENTS

One of the most serious grievances I have heard from families with an incarcerated loved one with serious mental illness is the extended use of restricted housing for those with exacerbation of their serious mental illness without evaluation of the need for hospitalization. Their complaints to the correctional authorities that their loved one needs to be certified for hospital treatment rather than punished, has fallen on deaf ears. A correctional ombudsman unit is desperately needed to investigate these situations and report to the legislature.

One family previously testified: “My son has been put in solitary confinement or restrictive housing for extended periods because of behaviors **due to untreated schizophrenia**, both in a county jail and state prisons, rather than being admitted to a state hospital for appropriate treatment. Only the state hospitals, not correctional facilities, can give involuntary medication if needed.

While in jail and then prison, my son has become unstable due to medication changes or because he stopped taking his medication, due to his inability to recognize that he has an illness. When not taking psychiatric medication, my son becomes psychotic with distorted thoughts, severe paranoia and is out of touch with reality. **This psychosis caused assaultive behavior which resulted in disciplinary action, including restrictive housing.**

After arrest, my son was in solitary confinement for several months in the Upper Marlboro jail of Prince George’s County, and while in the state prisons, in restrictive housing for 1-2 months at Patuxent Institute and for 2-3 months at North Branch Correctional Institution (NBCI). It is disturbing to me that with a clearly defined mental illness, he has been allowed to deteriorate several times to the point of becoming dangerous, **even at Patuxent Institute which is a prison specializing in the care of those with mental illness. Their programs will not help if he refuses medication. Restrictive housing made his illness worse and caused great suffering. The lack of appropriate treatment may well have resulted in permanent brain deterioration and harm.** Hospital treatment quickly after a relapse could have stabilized him much sooner and avoided the need for any restrictive housing.”

To ensure that the ombudsman unit can address these issues and report to the legislature appropriately, we respectfully request that the amendments below be added to SB134 and that the bill as amended be given a favorable report.

6-904[(a)](A)(2)

(III) APPLICATIONS FOR ADMISSION TO A STATE PSYCHIATRIC HOSPITAL FOR THOSE WITH A MENTAL DISORDER, THE NUMBER APPROVED, THE ADMISSION WAIT TIME, CARE AND CONFINEMENT WHILE WAITING FOR ADMISSION, AND THE LENGTH OF HOSPITALIZATION;



- [(III)] (IV) PLANS BY AGENCIES TO EXPAND, RENOVATE, OR CLOSE FACILITIES;
- [(IV)] (V) EDUCATIONAL AND VOCATIONAL PROGRAMS FOR INDIVIDUALS CONFINED BY ANY AGENCY; AND
- [(V)] (VI) AGENCY POLICIES ON RESTRICTIVE OR PROTECTIVE HOUSING.

Section 6-907 (E)

- (1) FAMILY MEMBERS OF CONFINED INDIVIDUALS INCLUDING
 - (I) AT LEAST ONE FAMILY MEMBER OF A CURRENTLY OR PREVIOUSLY CONFINED INDIVIDUAL WITH SERIOUS MENTAL ILLNESS AND;
 - (ii) AT LEAST ONE FAMILY MEMBER OF A CURRENTLY OR PREVIOUSLY CONFINED INDIVIDUAL. WITH A HISTORY OF SUBSTANCE USE;

- (5) INDIVIDUALS WITH BACKGROUNDS IN HEALTH CARE AND SOCIAL WORK INCLUDING
 - (I) AT LEAST ONE PSYCHIATRIST SPECIALIZING IN SERIOUS MENTAL ILLNESS AND;
 - (ii) AT LEAST ONE PSYCHIATRIST SPECIALIZING IN ADDICTIONS.

SECTION 6 (1)

- (ii) evidence-based behavioral health and substance abuse counseling AND
MEDICATION MANAGEMENT; [and]
- (iii) RESTRICTIVE HOUSING FOR THOSE WITH A MENTAL DISORDER; AND
- [(III)] (iv) mentoring and reentry programs; and

Jsharp WrittenTestimony.pdf

Uploaded by: Jonathan Sharp

Position: FWA

January 2024

Testimony In SUPPORT of HB297/SB134 – Office of the Attorney General – Correctional Ombudsman

My name is Jonathan Sharp, and I was incarcerated in Maryland for five and a half years for assault. During my incarceration, I was mislabeled as a gang member and spent three years advocating to get that designation removed. Several other issues arose, such as money being stolen from my account, receiving infractions meant for other people, and being punitively punished for trying to have a veterans' fundraiser. Having an ombudsman to help resolve these issues and ensure other inmates do not suffer needlessly from these same issues would improve the administration of all institutions in Maryland. Law enforcement and corrections shy away from oversight, but it is necessary in anything with inherent power differences, such as corrections.

Due process is the foundation of our criminal justice system, and this right does not go away once you enter the Department of Public Safety and Correctional Services (DPSCS). Several times during my incarceration, I found myself up against prison administrators and staff who operated under a veil of secrecy with little or no accountability. There is also a risk of retaliation accompanying any administrative action against DPSCS. Not only did I have to learn to navigate the Administrative Remedy Procedure (ARP) process, but without the help of family and advocates on the outside, I would have never been able to successfully remove a Security Threat Group (STG) flag that was placed on me two weeks after arriving at Jessup Correctional Institute (JCI).

There are few choices for the incarcerated. The institution determines who you eat with, who you share a cell with, and when you can go outside. These same actions decide whether you are a member of an STG. Every institution in Maryland has its methods and policies on this. Eastern Correctional Institution (ECI) forces STG members to live together in housing units and cells. I found out I had been designated a gang member when I arrived at ECI in July 2013 and was housed with members of the gang Dead Men Inc. (DMI). Eight months prior, I was working as a contractor with a top-secret security clearance at the Department of Defense and a member of the Glenn Burnie Rotary Club; now, I was explaining to gang members that I was not, in fact, in their gang. The gang members understood the mix-up, but ECI Intel did not. That began a two-and-a-half-year journey to have the STG flag removed. This involved five months on Administrative Segregation (AdSeg), where money was stolen from me; I hired an outside advocate and saw several men get stabbed at ECI because that's how things are when all the gang members live together. I eventually sued the state in Somerset County Circuit Court, filed countless ARPs, and was finally heard by an administrative law judge. The judge's 2015 written opinion has also been entered into the record. It is a scathing rebuke of DOC's practices since they offered zero evidence of why I had been designated a gang member. Within the same year of the written opinion, a stabbing at JCI resulted in everyone who had ever been designated by DPSCS as being associated with the gang Aryan Brotherhood (AB) being sent to AdSeg. My then-recent ruling allowed people who had been suspected of STG associations over 18 years ago to be released after being held for over a month. This was due to DPSCS's policy of removing STG flags after five years of inactivity, a policy that was not being carried out by Intel systemwide. This policy had been revealed during my hearing but was unknown among inmates and likely ignored by prison administrators. While it is an ongoing policy with DPSCS Intel, it was not the institution's practice. Imagine some designation by an employee who has likely already retired from DPSCS, follows you invisibly through the corrections system, and then gets you locked up for 23 hours per day without recourse or relief.

Prison is not supposed to be easy or fun, but it is also not supposed to be full of arbitrary and capricious punishment that is only the result of a poorly run institution or untrained staff. When institutional failures are repeated over the years, those failures are ignored or swept under the rug, and the failures become part of the institution and the de facto policy. A correctional Ombudsman would help prevent this and provide inmates with more timely and substantial relief. I would make three recommendations: **1.** To run a pilot the first year out of a single prison to establish workflow and gauge the workload based on a set population. And **2.** Establish a policy that prevents the administration from shipping people out once the ombudsman is involved. This is frequently done within the system to shuffle “troublemakers” around the system to make it impossible for them to get a resolution. Inmates either lose cause for complaint when moved or must start the ARP process at a new prison. **3.** Create a position staffed by a medical professional solely to deal with medical-related issues. Outsourced medical care in corrections is a cost-saving measure that usually cuts costs by not providing an acceptable level of care to inmates. I ask that you pass this law because it is necessary and proper to do so.

STG Hearing Decision.pdf

Uploaded by: Jonathan Sharp

Position: FWA



Department of Public Safety and Correctional Services

Inmate Grievance Office

115 SUDBROOK LANE • SUITE 200 • SUDBROOK STATION • PIKESVILLE, MARYLAND 21208-3878
410-585-3640 • FAX: 410-318-6015 • V/TTY USERS: 800-735-2258 • www.dpscs.state.md.us

STATE OF MARYLAND

LAWRENCE J. HOGAN, JR.
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

STEPHEN T. MOYER
SECRETARY

RHEA L. HARRIS
ASSISTANT SECRETARY
PROGRAMS AND SERVICES

SCOTT S. OAKLEY
EXECUTIVE DIRECTOR

June 16, 2015

Jonathan Sharp, #415061
MCIJ

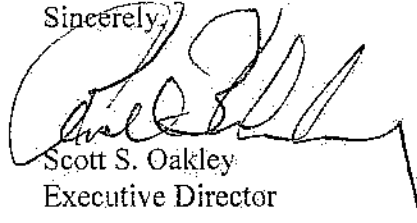
Re: IGO No. 20131614

Dear Mr. Sharp:

At the request of the Secretary I am enclosing a copy of the Order of the Secretary affirming in part and modifying in part the enclosed Proposed Decision and Order of ALJ Dargan in the above-referenced Inmate Grievance Office matter.

You are entitled to judicial review of this final administrative decision by filing a Petition for Judicial Review in the Circuit Court of the County in which you are confined, within 30 days of the date of this letter.

Sincerely,



Scott S. Oakley
Executive Director

SSO/dbm/encl.

JONATHAN SHARP, #415061,

GRIEVANT

v.

THE MARYLAND DIVISION

OF CORRECTION

* BEFORE LATONYA B. DARGAN,

* AN ADMINISTRATIVE LAW JUDGE

* OF THE MARYLAND OFFICE

* OF ADMINISTRATIVE HEARINGS

* OAH Case No.: DPSC-IGO-002V-14-38713

* IGO Case No.: 20131614

* * * * *

PROPOSED DECISION

STATEMENT OF THE CASE
ISSUES
SUMMARY OF THE EVIDENCE
FINDINGS OF FACT
DISCUSSION
CONCLUSIONS OF LAW
PROPOSED ORDER

STATEMENT OF THE CASE

On or around September 16, 2013, Jonathan Sharp, #415061 (Grievant), filed a grievance against the Maryland Division of Correction (DOC) with the Inmate Grievance Office (IGO), which the IGO summarized as follows:

This grievance is an "appeal" from the disposition of ARP-ECI-1689-13, which is incorporated by reference herein. In essence, the Grievant complains that he was improperly "flagged" as a member of a Security Threat Group (STG).¹

I conducted a hearing via video-conference on November 6, 2014 and February 5, 2015. Md. Code Ann., Corr. Servs. § 10-207(c) (2008). I was located at the Office of Administrative Hearings (OAH) in Hunt Valley, Maryland. The Grievant, who represented himself, participated from Maryland Correctional Institution-Jessup (MCIJ), a facility under the DOC's

¹ "Security Threat Group" is the formal designation the DOC and its correctional facilities use to identify what common parlance would refer to as a "gang".

jurisdiction. Sgt. Gregory Ward, Inmate Grievance Coordinator, represented the DOC and participated from Eastern Correctional Institution (ECI), another DOC facility. Florence Foster, MCIJ Correctional Case Management Specialist, observed the proceedings.²

The contested case provisions of the Administrative Procedure Act, the General Regulations of the IGO, and the OAH Rules of Procedure govern this case. Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2014); COMAR 12.07.01 and COMAR 28.02.01.

ISSUES

1. Did the DOC arbitrarily and capriciously, or, in a manner inconsistent with the law, designate the Grievant as a member or associate of an STG; and, if so,
2. What is the appropriate remedy?

SUMMARY OF THE EVIDENCE

Exhibits

A complete exhibit list is attached as an appendix.

Testimony

The Grievant testified on his own behalf and presented the following witnesses: Florence Foster, Correctional Case Management Specialist, MCIJ; Lt. William Clayton, ECI Intelligence Coordination Unit; Lt. Ronel LeGrand, Jessup Correctional Institution (JCI) Intelligence Coordination Unit.

Sgt. Ward presented argument on behalf of the DOC.

² Ms. Foster observed the proceedings on behalf of MCIJ, the facility which currently houses the Grievant, but she did not act as a party representative at any time during the hearing.

FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

1. At all times relevant to this matter, the Grievant has been in the custody of the DOC and housed in a correctional facility under the DOC's jurisdiction. The Grievant was initially housed at JCI, subsequently transferred from JCI to ECI, and most recently transferred from ECI to MCIJ, where he is currently housed.
2. The DOC has a process by which inmates in its custody may be identified as members of an STG. The process to determine whether an inmate is an STG member or associate, a designation made by the members of a correctional facility's Intelligence Coordination Unit (ICU), involves the use of a points-based validation worksheet. Various characteristics of an inmate are considered and scored, and if an inmate receives a sufficient number of points, the ICU will designate the inmate as an STG member or associate;³ the designation is logged or "flagged" in the inmate's DOC base file.
3. For reasons related to DOC and/or institutional security, the ICU officers are not authorized to tell an inmate the bases for an STG designation.
4. STG validation information, including the validation worksheet, is classified by the DOC.
5. An STG designation, once made, is valid for a five-year period. If, during that five-year period, no new information is received by the DOC about a particular inmate's STG ties, then the STG flag is removed from the inmate's base file.

³ Neither party explained to me the distinction between an STG member and an STG associate, except for the DOC's indication that an inmate's STG designation can be "downgraded" from member to associate.

6. STG designations are periodically reviewed during the five-year period after validation is made.
7. At any time during the five-year period an STG designation is valid, an inmate can have the flag removed by initiating the renunciation process.
8. An inmate who is designated as an STG member or associate is not automatically subject to any kind of segregated housing; STG designees may be housed with the general population of an institution.
9. At some time during the Grievant's tenure at JCI, he was designated by the JCI ICU as a member of the specific STG known as Dead Men Incorporated (DMI). The members of DMI are typically white, span a range of ages, and typically espouse a white supremacist ideology. Some DMI members have tattoos which specifically represented their affiliation with the group.
10. The STG designation was placed in the Grievant's base file on or around July 18, 2013.
11. During the Grievant's tenure at JCI, he was never interviewed by any members of the JCI ICU about any possible affiliation or connection he had with DMI or any other gang or white supremacist group.
12. The Grievant was never aware, during his time at JCI, that he had been designated as a member of an STG.
13. When the Grievant was transferred from JCI to ECI, the STG designation in his base file was already in place. ECI's ICU did not conduct a subsequent independent review of the Grievant's history to confirm the accuracy of the STG designation at any time during or after his transfer to ECI.

14. The Grievant became aware that he was flagged as an STG member while at ECI, during an August 6, 2013 meeting with a member of his case management team.
15. The Grievant had no prior involvement with the criminal justice system before the incident which led to his current incarceration.
16. Prior to his incarceration, the Grievant worked with a defense contractor firm. He was assigned to the National Security Agency (NSA) from approximately January 2010 through January 2013. The Grievant successfully passed all the prerequisite criminal and security background checks necessary to have clearance to work on NSA grounds.
17. The Grievant held a sanitation detail job while at ECI. At MCIJ, he has a job as a Library Aide.
18. At some time between August 6, 2013 and the date of the hearing before the OAH, the Grievant's STG designation was downgraded from "member" of DMI to "associate".

DISCUSSION

In an inmate grievance concerning an institutional administrative decision, the grievant bears the burden of proving by a preponderance of the evidence that the DOC's action was arbitrary, capricious, or inconsistent with the law. COMAR 12.07.01.08C(1). An Administrative Law Judge (ALJ) may determine that an administrative decision is arbitrary and capricious or inconsistent with the law if:

- (a) The decision maker or makers did not follow applicable laws, regulations, policy or procedures;

- (b) The applicable laws, regulations, policy or procedures were intended to provide the grievant a procedural benefit; and
- (c) The failure to follow applicable laws, regulations, policy or procedures prejudiced the grievant.

COMAR 12.07.01.08C(2). For the reasons articulated below, I find that the Grievant has satisfied his burden. As relief, the Grievant seeks the removal of the STG designation from his file, and the reimbursement of the \$425.00 in fees he incurred by hiring an advocate to assist him in having the STG designation removed.

The dispute between the parties in this matter is straight-forward. The Grievant adamantly maintained that he is not and has never been a member of DMI or any other gang. According to the Grievant, the DOC's actions are faulty for the following reasons: (1) the designation of him as an STG member was done in a manner that did not afford him due process before the designation was made; (2) there is no way to determine if the DOC followed the process for an STG validation because the directives and policies on which the DOC relied to make the designation are classified for security reasons and, thus, are not subject to review by a neutral third party; (3) as a result of the STG designation, the Grievant has been housed on units particularly prone to violence and he is placed at risk of harm if other inmates believe he is a member of a white supremacist gang; and, (4) the STG designation could impede not only his advancement through the institution (i.e., by keeping him from job or other institutional assignments which accrue diminution credits at a high rate), but also his chances for parole, if the information that he is allegedly a gang member is made known to the parole board.

The DOC, for its part, asserted the Grievant was properly investigated as part of the intake process at JCI, and at the time information about the Grievant was reviewed, he had the requisite number of points on the validation worksheet to be designated as an STG member. The

DOC further argued that the Grievant has not undertaken the renunciation process which, from the DOC's perspective, would be the most unequivocal indicator he is not gang-affiliated.

It must be noted the DOC did not produce anything from which I could make a determination it properly followed the procedures for designating an inmate as an STG member. I am mindful that the burden of proof in this matter rests with the Grievant. He has, however, consistently maintained, since filling out his initial request for administrative remedy at ECI, all the way through his appeal to the IGO and to the hearing before me, that he is not and never has been a member of DMI or any other gang. Additionally, included in the IGO file, which is incorporated into the record in its entirety, is information about the Grievant's life and history before his involvement with the criminal justice system. (*See generally*, IGO Exs. 21 and 33.) That information demonstrates the Grievant held a security-sensitive position with the NSA for approximately three years, the clearance for which would not have been granted had the Grievant not managed to successfully pass the criminal and security background checks. It is arguable – given the NSA is a federal-government agency which handles sensitive matters of domestic security – the security-clearance process for the NSA is *at least as* stringent and diligent as an investigation the DOC would have done of the Grievant's background, if not more so. The Grievant offered this information to support the assertion he does not have any gang affiliations, as it is not likely that if he *did* have such affiliations he would have been able to attain the necessary clearance to work at the NSA.

I find the Grievant's position in this regard to be persuasive. His uncontroverted testimonial and documentary evidence demonstrates he did not have any prior criminal justice system involvement until the incident which led to his current incarceration. It is also uncontroverted he was able to obtain the necessary clearance to work at the NSA, a fact which

supports his assertion he does not have any criminal or gang associations in his background or history. It is, of course, difficult to prove a negative, but the burden of proof in this matter is preponderance of the evidence; this means the Grievant need only demonstrate it is "more likely than not" the DOC improperly designated him as a gang member. Once the Grievant produces *prima facie* evidence to support his burden, the DOC must produce *something* to contradict that evidence.

The DOC argued the directive which guides ICU officers (Division of Correction Directive (DCD) 110-35, Subsection .04B, effective December 15, 2010), as well as the validation worksheet itself, are classified documents for security purposes. The DOC maintained, however, that Lt. LeGrand acted in accordance with DCD 110-35 at the time he validated the Grievant as a member of DMI. According to Lt. LeGrand, the DOC follows a point system set forth in DCD 110-35, *i.e.*, DOC personnel complete a worksheet listing various criteria. Each of the validation criteria listed on the worksheet represents a certain number of points. If an inmate's score reaches the requisite number of points, the inmate will be validated as an STG member and designated as such in his base file. For security reasons, Lt. LeGrand did not elaborate on the Grievant's score during the hearing, but he noted that based on a recent periodic review, the Grievant's status was downgraded from being a member of DMI to an associate.

I am mindful of the security considerations which go into the efficient running of a correctional facility, and that there are certain aspects of the inner workings of a correctional facility which cannot—and probably should not—be revealed to or in the presence of inmates. However, in a matter such as this, the DOC must provide *something* from which I can evaluate how it arrived at its conclusion, and whether that conclusion was reached in a reasonable

manner. On January 14, 2015, the Acting Secretary of the Department of Public Safety and Correctional Services (DPSCS), in an unrelated matter, issued an Order of the Secretary (Order),⁴ which provided some helpful guidance about the type of information the DOC can provide to an ALJ to assist the ALJ in determining whether the designation of an inmate as an STG member was properly made.⁵ The Order provides, in pertinent part, as follows:

○AH shall have access to photographs of tattoos; items, or descriptions of items, found during a cell search, including STG documentation, photographs and letters; self-admission forms; court documents; and memoranda or other reports from correctional staff or Intelligence Officers regarding the observation of STG activity related to the inmate.

Order of the Secretary, January 14, 2015.

In this case, the DOC did not present any evidence demonstrating the Grievant's alleged membership/affiliation with DMI. There were no photographs of any tattoos the Grievant might have along with an explanation of how, if at all, the tattoos reflect DMI affiliation. No evidence was presented that any DMI-related paraphernalia was ever found in the Grievant's cell during random or routine searches/inspections. There was no evidence presented to me of any admission the Grievant may have made to DOC representatives about his alleged affiliation with DMI or any other STG. The DOC did not produce memoranda or other reports from correctional officers at ECI, JCI, or MCIJ regarding any STG-related activity on the Grievant's part. Quite frankly, I have nothing by which to judge whether the validation conducted in this matter was done so properly or in a manner that can be characterized as reasonable. The DOC has essentially asked me to uphold the determination the Grievant is affiliated with DMI without providing any significant evidence whatsoever.

⁴ A copy of the Order was provided to me by Sgt. Ward and I provided a redacted copy of the Order to the Grievant.

⁵ The Secretary of DPSCS anticipates the guidance contained in the Order will eventually be formalized into a statement of policy.

Presumably, the procedures established by DCD 110-35 were designed to provide correctional officers with some objective bases for determining if a particular inmate was an STG member or associate. I can only infer, based on what the directive governs, the directive it was designed, at least in part, to weed out any biases, both subtle and overt, on the part of institutional representatives around the issue of which inmates are or might be gang members. Based on that reasonable inference, I further infer DCD 110-35 was at least partially designed to confer a benefit on inmates, namely to prevent them from being identified as gang members on the basis of individual biases held by correctional officers

In the absence of information from which I can determine how the DOC reached its conclusion, I cannot determine that the DOC acted reasonably, and in a manner consistent with the controlling DCD, when it flagged the Grievant as a member/associate of DMI. I will not simply rubber-stamp the DOC's assertion its validation of the Grievant as an STG member was reasonable or proper, particularly given that the Grievant *has* produced evidence to demonstrate it is more likely than not that he is *not* affiliated with any gangs.

Given that (1) the Grievant has produced evidence supporting his assertion he is not a member of or in any way affiliated with DMI or any other gang, and (2) the DOC has not produced any credible or significant evidence to refute the Grievant's assertion, I find the DOC's designation of the Grievant as an STG member/associate was arbitrarily and capriciously made. The Grievant has been able to obtain and maintain institutional jobs at ECI and MCIJ despite being flagged in the system as an STG member/associate. I nevertheless find it reasonable to conclude such a designation *could* have a detrimental effect on the Grievant's eligibility for certain institutional job or housing assignments, as well as any request on his part for deference from the parole board. Additionally, it is potentially unsafe for the Grievant to be designated as

an associate of a white supremacist group, particularly inside a correctional facility, which often has a demographically-diverse inmate population. It is, quite simply, not appropriate for the Grievant to be subject to the potential negative consequences and stigma of an STG designation when such a designation was not reasonably applied to him in the first place.

Having determined the DOC arbitrarily and capriciously designated the Grievant as an STG member/associate, I now turn to the issue of what relief should be granted. The Grievant requested the following: (1) The STG designation be expunged from his base file, including any references in his base file and any and all DOC/DPSCS databases which rely on information contained in his base file; (2) DOC be ordered to change the STG flagging procedure to provide inmates with the opportunity for a hearing to refute any allegations of gang affiliation before the STG validation is finalized; and, (3) \$425.00 to cover the costs of challenging the STG designation, which include the hiring of an advocate and the \$125.00 filing fee with the Circuit Court for Somerset County after the IGO administratively dismissed the appeal. My authority in this matter extends to requests (1) and (3). The focus of my analysis in this case is whether the DOC acted properly in its institutional administrative decisions with respect to the Grievant and the Grievant alone. Accordingly, I give no weight to and make no recommendation on request (2). As to requests (1) and (3), I find there is a reasonable basis for relief given the facts of this case, and I will propose the DOC grant the Grievant the requested relief.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact and Discussion, I conclude as a matter of law that the Division of Correction's validation of the Grievant as a Security Threat Group member was arbitrary, capricious, and inconsistent with law. COMAR 12.07.01.08C(1).

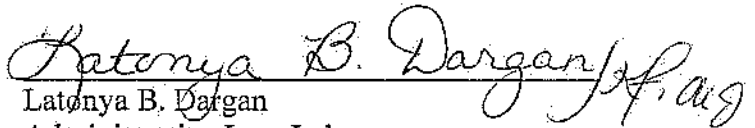
PROPOSED ORDER

Having concluded that this grievance is meritorious, I **PROPOSE** that it be **GRANTED**.

I further **PROPOSE** that the Grievant's validation as an STG member/associate be reversed, rescinded, and expunged from his base file, including all references to the STG designation contained in his base file and in any and all DOC/DPSCS databases which rely on information contained in his base file.

I further **PROPOSE** that the Grievant be awarded \$425.00, to be placed in his inmate account, as compensation for the costs of challenging the erroneous STG designation.

May 6, 2015
Date Decision Mailed



Latonya B. Dargan
Administrative Law Judge

#155632
LBD/kkc

JONATHAN SHARP, #415061,

GRIEVANT

v.

THE MARYLAND DIVISION

OF CORRECTION

* BEFORE LATONYA B. DARGAN,

* AN ADMINISTRATIVE LAW JUDGE

* OF THE MARYLAND OFFICE

* OF ADMINISTRATIVE HEARINGS

* OAH Case No.: DPSC-IGO-002V-14-38713

* IGO Case No.: 20131614

* * * * *

APPENDIX

The entire IGO file was incorporated into the record and it consisted of the following documents:

IGO Ex. 1: The September 10, 2013 Grievance

IGO Ex. 2: October 2, 2013 Letter from the IGO to the Grievant

IGO Ex. 3: The Grievant's October 8, 2013 Letter to the IGO

IGO Ex. 4: The IGO's October 22, 2013 Letter to the Grievant

IGO Ex. 5: The Grievant's October 25, 2013 Letter to the IGO

IGO Ex. 6: The IGO's November 5, 2013 Letter to the Grievant

IGO Ex. 7: The Grievant's November 25, 2013 Letter to the IGO, with attachments

IGO Ex. 8: The IGO's December 16, 2013 Letter to the Grievant

IGO Ex. 9: The Grievant's December 27, 2013 Letter to the IGO

IGO Ex. 10: The Grievant's January 30, 2014 Letter to the IGO

IGO Ex. 11: The Grievant's October 18, 2013 Administrative Remedy Appeal to the Commissioner, with attachments

IGO Ex. 12: The IGO's February 25, 2014 Letter to the Grievant

IGO Ex. 13: Stuart A. Hindman's April 23, 2014 Memorandum to Scott S. Oakley

- IGO Ex. 14: June 24, 2014 Certificate of Record, filed in the Circuit Court of Maryland for Somerset County
- IGO Ex. 15: September 8, 2014 Remand Order, Circuit Court of Maryland for Somerset County
- IGO Ex. 16: September 23, 2014 Pre-Hearing Order
- IGO Ex. 17: Notice of Hearing
- IGO Ex. 18: Sgt. Gregory Ward's October 2, 2014 Memorandum to Scott Oakley
- IGO Ex. 19: The Grievant's October 2, 2014 Request for Postponement
- IGO Ex. 20: October 22, 2014 Supplemental Pre-Hearing Order
- IGO Ex. 21: The Grievant's October 17, 2014 Letter to Scott Oakley, with attachments
- IGO Ex. 22: October 27, 2014 Second Supplemental Pre-Hearing Order
- IGO Ex. 23: Transmittal, date-stamped received at the OAH on October 29, 2014
- IGO Ex. 24: Notice of Presiding ALJ
- IGO Ex. 25: The Grievant's October 29, 2014 Response to Supplemental Pre-Hearing Order (facsimile)
- IGO Ex. 26: The Grievant's October 29, 2014 Response to Supplemental Pre-Hearing Order (original)
- IGO Ex. 27: November 6, 2014 Continuance Form
- IGO Ex. 28: Electronic Mail Correspondence between Sgt. Gregory Ward and Scott Oakley
- IGO Ex. 29: December 4, 2014 Notice of Rescheduled Hearing
- IGO Ex. 30: The Grievant's December 1, 2014 Letter to Scott Oakley
- IGO Ex. 31: OAH Register of Actions, printed December 3, 2014, with attachment
- IGO Ex. 32: The Grievant's January 14, 2015 Letter to Scott Oakley, with attachments
- IGO Ex. 33: Supplement to the Grievant's January 14, 2015 Letter
- IGO Ex. 34: January 23, 2014 Third Supplemental Pre-Hearing Order

IGO Ex. 35: Transmittal, date-stamped received at OAH on January 28, 2015

IGO Ex. 36: Notice to Presiding Administrative Law Judge

I admitted the following exhibit for the Grievant:

Grievant Ex. 1: Sarah Motley's January 21, 2015 Letter addressed to "To Whom It May Concern"

The DOC did not submit any exhibits.

JONATHAN SHARP, #415061,

GRIEVANT

v.

THE MARYLAND DIVISION

OF CORRECTION

* BEFORE LATONYA B. DARGAN,

* AN ADMINISTRATIVE LAW JUDGE

* OF THE MARYLAND OFFICE

* OF ADMINISTRATIVE HEARINGS

* OAH Case No.: DPSC-IGO-002V-14-38713

* IGO Case No.: 20131614.

* * * * *

FILE EXHIBIT LIST

The entire IGO file was incorporated into the record and it consisted of the following documents:

IGO Ex. 1: The September 10, 2013 Grievance

IGO Ex. 2: October 2, 2013 Letter from the IGO to the Grievant

IGO Ex. 3: The Grievant's October 8, 2013 Letter to the IGO

IGO Ex. 4: The IGO's October 22, 2013 Letter to the Grievant

IGO Ex. 5: The Grievant's October 25, 2013 Letter to the IGO

IGO Ex. 6: The IGO's November 5, 2013 Letter to the Grievant

IGO Ex. 7: The Grievant's November 25, 2013 Letter to the IGO, with attachments

IGO Ex. 8: The IGO's December 16, 2013 Letter to the Grievant

IGO Ex. 9: The Grievant's December 27, 2013 Letter to the IGO

IGO Ex. 10: The Grievant's January 30, 2014 Letter to the IGO

IGO Ex. 11: The Grievant's October 18, 2013 Administrative Remedy Appeal to the Commissioner, with attachments

IGO Ex. 12: The IGO's February 25, 2014 Letter to the Grievant

IGO Ex. 13: Stuart A. Hindman's April 23, 2014 Memorandum to Scott S. Oakley

- IGO Ex. 14: June 24, 2014 Certificate of Record, filed in the Circuit Court of Maryland for Somerset County
- IGO Ex. 15: September 8, 2014 Remand Order, Circuit Court of Maryland for Somerset County
- IGO Ex. 16: September 23, 2014 Pre-Hearing Order
- IGO Ex. 17: Notice of Hearing
- IGO Ex. 18: Sgt. Gregory Ward's October 2, 2014 Memorandum to Scott Oakley
- IGO Ex. 19: The Grievant's October 2, 2014 Request for Postponement
- IGO Ex. 20: October 22, 2014 Supplemental Pre-Hearing Order
- IGO Ex. 21: The Grievant's October 17, 2014 Letter to Scott Oakley, with attachments
- IGO Ex. 22: October 27, 2014 Second Supplemental Pre-Hearing Order
- IGO Ex. 23: Transmittal, date-stamped received at the OAH on October 29, 2014
- IGO Ex. 24: Notice of Presiding ALJ
- IGO Ex. 25: The Grievant's October 29, 2014 Response to Supplemental Pre-Hearing Order (facsimile)
- IGO Ex. 26: The Grievant's October 29, 2014 Response to Supplemental Pre-Hearing Order (original)
- IGO Ex. 27: November 6, 2014 Continuance Form
- IGO Ex. 28: Electronic Mail Correspondence between Sgt. Gregory Ward and Scott Oakley
- IGO Ex. 29: December 4, 2014 Notice of Rescheduled Hearing
- IGO Ex. 30: The Grievant's December 1, 2014 Letter to Scott Oakley
- IGO Ex. 31: OAH Register of Actions, printed December 3, 2014, with attachment
- IGO Ex. 32: The Grievant's January 14, 2015 Letter to Scott Oakley, with attachments
- IGO Ex. 33: Supplement to the Grievant's January 14, 2015 Letter
- IGO Ex. 34: January 23, 2014 Third Supplemental Pre-Hearing Order

IGO Ex. 35: Transmittal, date-stamped received at OAH on January 28, 2015

IGO Ex. 36: Notice to Presiding Administrative Law Judge

I admitted the following exhibit for the Grievant:

Grievant Ex. 1: Sarah Motley's January 21, 2015 Letter addressed to "To Whom It May Concern"

The DOC did not submit any exhibits.

JONATHAN SHARP, #415061

*

DEPARTMENT OF PUBLIC SAFETY

v.

*

AND CORRECTIONAL SERVICES

THE MARYLAND DIVISION

*

OAH No: DPSC-IGO-002V-14-38713

CORRECTION

*

IGO No: 20131614

*

* * * * *

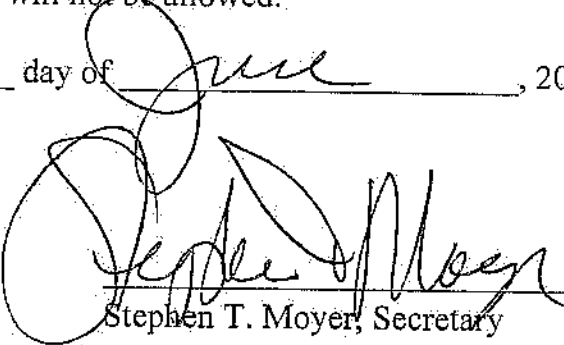
ORDER OF THE SECRETARY

The grievant, Jonathan Sharp, an inmate in the Maryland Division of Correction (DOC), alleges that he was improperly “flagged” as a member of a Security Threat Group (STG). A hearing was conducted by the Office of Administrative Hearings and on May 6, 2015 Administrative Law Judge (ALJ) Latonya B. Dargan issued a Proposed Decision concluding that that Mr. Sharp’s designation as an STG member was not supported by any evidence presented by the DOC representative and that all references to the STG designation should be removed from DOC records. ALJ Dargan also proposed that Mr. Sharp be awarded \$425.00, comprised of a \$125.00 filing fee in the Circuit Court for Somerset County which remanded this case to OAH for a hearing on the merits and \$300.00 for the hiring of an “advocate” who apparently helped Mr. Sharp with his grievance.

I shall AFFIRM the Proposed Decision in part and MODIFY it in part. The portion of the Proposed Decision ordering that the STG designation should be removed from DOC records will be AFFIRMED as will the award of \$125.00 for the filing fee in the Circuit Court for Somerset County. The portion of the monetary award for the

“advocate” will not be allowed since there is no authority for what is basically the functional equivalent of an award of attorney’s fees. Generally, unless there is a specific provision in the governing statute which would allow an award of such fees, as in the case of federal civil rights case, the award of fees to a prevailing party is not allowed. There is no such authority in the content of an inmate grievance and thus the \$300.00 award to cover the cost of an “advocate” will not be allowed.

SO ORDERED this 6 day of June, 2015.



Stephen T. Moyer, Secretary

Deitch--Letter of support for SB 134--2-6-2024.pdf

Uploaded by: Michele Deitch

Position: FWA



The University of Texas at Austin
Prison and Jail Innovation Lab
Lyndon B. Johnson School of Public Affairs

P. O. Box Y • Austin, Texas 78713-8925 • (512) 471-3200 • FAX (512) 471-1835

Michele Deitch • (512) 296-7212 • michele.deitch@austin.utexas.edu

February 6, 2024

Re: Support for SB 134 (Office of the Department of Corrections Ombudsman)

To: Senator William Smith, Chair
Members, Maryland Senate Judicial Proceedings Committee

My name is Michele Deitch, and I direct the Prison and Jail Innovation Lab at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin, where I also am a Distinguished Senior Lecturer. The [Prison and Jail Innovation Lab](#) (PJIL) is a national policy resource center seeking to ensure the safe and humane treatment of people in custody. PJIL also operates the [National Resource Center for Correctional Oversight \(NRCCO\)](#), which works with policymakers and advocates to improve oversight of prisons and jails. **I write in strong support of SB 134, which would establish a new corrections ombudsman's office as an essential form of independent prison oversight in Maryland.**

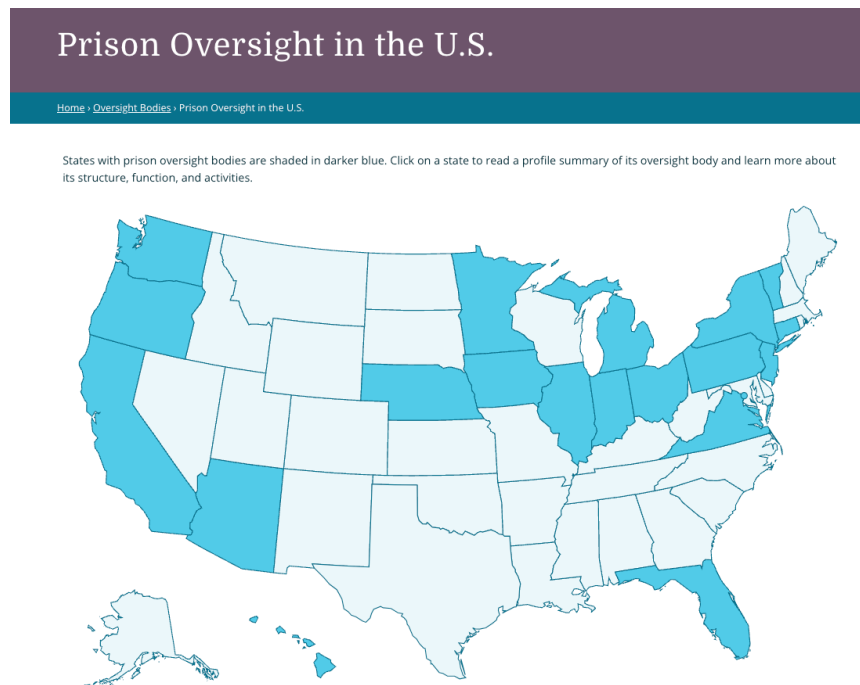
By way of background, my research and expertise are in the field of prison oversight. I have written numerous articles on this subject, including "[But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States](#)," and I co-chair the American Bar Association's Subcommittee on Correctional Oversight. I have also served as a federal court-appointed monitor of conditions in the Texas prison system, and I have served as General Counsel to the Texas Senate Criminal Justice Committee.

More than 35 years of working in this field have persuaded me that independent oversight is absolutely critical for the safe and humane operation of prisons. Prisons are among the most opaque institutions in our society, and the public and policymakers have very little idea what actually happens behind the razor wire fences. Insular environments like these put people in custody at risk of abuse, neglect, unsafe or inadequate conditions, poor health measures, and ineffective programming. But independent oversight of the type envisioned by this bill shines a light on what is happening behind bars, and that transparency is necessary for ensuring the safety, well-being, and rehabilitation of people who are incarcerated.

Not only does oversight like this benefit incarcerated people, it also benefits corrections officials by helping them to improve their agency, offering them objective feedback, and sharing best practices. It helps policymakers better understand how public monies are spent and gives them the information they need to exercise effective legislative oversight. It helps families of incarcerated loved ones to have a safe place to go with their concerns. And preventive inspections of facilities allow for the early identification of problems so they can be addressed before they turn into scandals or expensive lawsuits.

For this reason, the [American Bar Association has called on every jurisdiction](#) to establish an independent oversight body such as the one in SB 134 to routinely monitor conditions of confinement in prisons and to report publicly on its findings.

The United States lags far behind the rest of the Western world when it comes to correctional oversight. Every European country and most other Western nations have well-resourced prison oversight bodies that conduct routine inspections of conditions of confinement. But over the last decade or two, many states in this country have also recognized the importance of independent oversight and have established Ombudsman offices much like the one proposed in SB 134. The map below, taken from the website of the [National Resource Center for Correctional Oversight](#), shows those states that have correctional oversight offices, including Ombuds offices.



Correctional Ombuds offices were recently established in Connecticut (2022), Minnesota (2019), New Jersey (2019), and Washington State (2018), and bills to create similar offices have been filed and are progressing in numerous other state legislatures. There is tremendous momentum to create these entities as a way to better protect incarcerated people and staff, and to ensure that policymakers and the public are kept well-informed about conditions behind bars.

As someone who has studied legislation establishing these Ombudsman offices, I can state with confidence that SB 134 is a strong and thoughtful bill. It ensures that the Ombudsman has the range of powers and responsibilities needed to fulfill the objective of this office. Passage of this bill—and dedication of the appropriate level of resources for the Ombudsman’s office—will put Maryland at the forefront of states that take their responsibility seriously to operate safe and humane prisons.

There are, however, a few ways that SB 134 can be strengthened in order to better ensure the Ombudsman’s effectiveness as an oversight mechanism. Specifically, I encourage consideration of the following changes and additions:

- Include a provision that the Ombudsman cannot be removed except for good cause. Also, allow the Ombudsman to be re-appointed for a second term, to avoid a lame duck situation.
- Section 6-903 (B) should include a provision about any qualifications to be appointed as Ombudsman, and should, at a minimum, include a conflict of interest provision saying that neither the person appointed nor a family member can have worked for the corrections agency for a period of, say, at least 10 years.
- Include a provision that the Ombudsman can conduct confidential interviews with incarcerated people and staff, and that communications between the Ombudsman and incarcerated people are confidential and privileged. (Section 6-904 (E) only references “complaints” as being confidential, and the requirement of confidentiality only applies to the Ombudsman’s inability to reveal information.)
- Include a provision saying that the agency can’t retaliate against incarcerated people for making complaints or cooperating with the Ombudsman.
- Section 6-904 (A)(2) should make clear that the Ombudsman can and should be assessing systemic issues affecting the treatment and safety of incarcerated people (including, for example, issues such as use of force and violence). Indicate that the list of systemic issues in that section is not meant to be an exclusive list of what the Ombudsman can review.

- Include a provision indicating that the Ombudsman should be responsible for maintaining a public-facing database of key metrics about safety issues (e.g., use of force; assaults; sexual assaults; deaths; etc.) and that the agency is responsible for providing the Ombudsman with that data.
- Change Section 6-904 (B)(1) so that the presumption is that the Ombudsman does NOT have to investigate all complaints and can set up a system for prioritizing which complaints to handle. As written, there is a default requirement that the Ombudsman will investigate all complaints unless certain conditions are met. Individual complaints can overwhelm an office and limit the Ombudsman's ability to conduct systemic reviews.
- Include a provision clarifying that an incarcerated person need not seek nor receive review of a complaint by the Ombudsman's office in order to be considered to have exhausted administrative review of the complaint for purposes of filing a civil rights lawsuit.
- Section 6-905 (A) should broaden the requirement of reporting by the Ombudsman beyond reports of investigations to also include reports of inspections and assessments.

I appreciate the hard work that Senator Hettleman has put into this bill, and I offer my strongest possible support for its passage. Thank you for your consideration.



Michele Deitch
Director, Prison and Jail Innovation Lab

SB 134_DPSCS_LOI.pdf

Uploaded by: Catherine Kahl

Position: INFO



**Department of Public Safety and Correctional Services
Office of Government & Legislative Affairs**

45 Calvert Street, Suite 7A, Annapolis, MD 21401
(443) 240-8696 • www.dpscs.maryland.gov

STATE OF MARYLAND

WES MOORE
GOVERNOR

ARUNA MILLER
LT. GOVERNOR

CAROLYN J. SCRUGGS
SECRETARY

ANTHONY A. GASKINS
CHIEF OF STAFF

JOSEPH SEDTAL
DEPUTY SECRETARY
ADMINISTRATION

ANNIE D. HARVEY
DEPUTY SECRETARY
OPERATIONS

ANGELINA GUARINO
ASSISTANT SECRETARY
DATA, POLICY AND GRANTS

RENARD E. BROOKS
ASSISTANT SECRETARY
PROGRAMS, TREATMENT &
RE-ENTRY SERVICES

BILL: SENATE BILL 134

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill establishes a Correctional Ombudsman in the Office of the Attorney General and describes the responsibilities of the ombudsman to include investigating any administrative act and to receive and respond to complaints of the Department; subpoena individuals for testimony and/or to produce records; conduct reviews and assessments; receive specific reports and audits; and has 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
 - Criminal and administrative allegations of serious misconduct Management and accountability ; and
 - Adherence to medical treatment contracts

- The incarcerated population is able to avail themselves of claims or concerns surrounding conditions of confinement via the Administrative Remedy Process or ARP. This 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

- As previously stated, the Department has additional units/divisions to investigate and respond to area of noncompliance including:
 - Inmate Grievance Office (IGO) -
 - Intelligence and Investigative Division (IID)
 - Office of the Inspector General (OIG)
 - Office of Health Contracts Administration and Audits

- 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 actions taken related to implementing remedies, interviews, file and document review, as well as an exit interview with managing officials.

- In addition, a correctional facility may be subject to a non-scheduled audit or follow-up audit by MCCS to determine progress on corrective action.

- 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.
- The Department appreciates some of the changes that have been included in SB 134. Ultimately, the Department would like to see SB 134 be in the same posture as SB 87 that passed out of the Senate Judicial Proceedings Committee in the 2023 legislative session.

CONCLUSION: The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on Senate Bill 134.