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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.