



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