



**Department of Public Safety and Correctional Services
Office of Government & Legislative Affairs**

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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.