

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