



**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, as amended, establishes a Office of Correctional Ombudsman 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 Office will be funded using savings under the Justice Reinvestment Act Performance Incentive Grant. The bill also establishes a Correctional Ombudsman Advisory Board.

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:

- o Maryland Commission on Correctional Standards
- o Office of Legislative Audits
- o Office of Performance Evaluation and Government Accountability; and the
- o American Correctional Association;

In addition, the Department has additional units/divisions to investigate and respond to area of noncompliance including:

- o Inmate Grievance Office (IGO) -
- o Intelligence and Investigative Division (IID)
- o Office of the Inspector General (OIG)
- o Office of Health Contracts Administration and Audits

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.

Additionally, the establishment of a unit of State government should be funded through general funds. The Justice Reinvestment Act (JRA) aims to reduce Maryland's prison population and use the savings for more effective treatment for offenders prior to, during and upon release from incarceration.

The subpoena power under the bill compels Department personnel to appear and give sworn testimony, and if the individual does not apply, they can be found in contempt. The bill already requires personnel to be available for interviews and provides access to any records maintained by the Department.

Under the bill, the Department has 30 days to respond to the Ombudsman's report. This does not provide sufficient time for compiling a response and for appropriate reviews.

The Advisory Board established includes nonsupervisory correctional officers, and individuals interested in corrections. However, there is no inclusion of individuals who held correctional leadership positions and would have invaluable insight into the potential qualifications and oversight responsibilities of the ombudsman.

CONCLUSION: The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on Senate Bill 134.