



Written Testimony of Celeste Trusty
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In Support of SB 134

Maryland House Judiciary & Health and Government Operations Committees
March 28, 2024

I would like to thank the Chairs, Vice-Chairs, and members of the House Judiciary and Health and Government Operations Committees for the opportunity to provide written testimony in support of SB 134, a bill that would establish the Office of the Correctional Ombudsman to provide independent oversight of prisons in the Maryland Department of Public Safety and Correctional Services (DPSCS) and transfer the existing Juvenile Justice Monitoring Unit into this office. The Office of the Correctional Ombudsman would have the power to inspect prisons, investigate complaints, and subpoena necessary documents or witnesses. The ombudsman would be advised by a Correctional Ombudsman Advisory Board, appointed by the Governor. **FAMM supports SB 134 and urges the Committees to report favorably on this crucial piece of legislation.**

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Among the policies we advocate is the establishment of independent prison oversight bodies in each state. Most of the Marylanders who support FAMM have loved ones incarcerated in a state prison, and their top concerns while their loved one is incarcerated are their safety, health, and rehabilitation. Unfortunately, we consistently hear from our members that Maryland's state prison facilities are unsafe, unsanitary, and lack sufficient medical and mental health care, staff, and rehabilitative programming.

Additionally, Maryland families almost uniformly report to us difficulties in getting information about and help for their incarcerated loved ones from the staff and administration at the DPSCS. This is simply unacceptable and highlights the critical need for the type of independent prison oversight envisioned in SB 134.



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Americans across the political spectrum understand the inherent value of increased transparency and accountability in our nation's prisons: in a recent national poll, 82 percent of people agreed that state and federal prison systems should have independent oversight.¹ The same poll showed most people do not believe that agencies are able to provide reasonable, reliable, and transparent oversight over themselves.² By creating an Office of the Correctional Ombudsman and Correctional Ombudsman Advisory Board, SB 134 would create the accountability and transparency that incarcerated people, their loved ones, corrections staff, and taxpayers need and deserve.

It is no secret that Maryland's prisons are overpopulated, and quite simply lack the capacity to properly care for and supervise a prison population of this size. There have been alarming stories out of Maryland's state correctional facilities in recent years that highlight the desperate need for the creation of an independent oversight body in the state. For DPSCS, an agency with a nearly \$1.6 billion dollar appropriation in fiscal year 2024, the establishment of an independent oversight body is long overdue.³ There must be accountability and transparency in any government agency, and DPSCS is certainly no exception.

Incarcerated people and their loved ones should be assured that our prisons are subject to independent oversight by a body that has complete, unrestricted access to inspect facilities (announced or unannounced), address grievances made by incarcerated people and staff, and investigate complaints, provide recommendations for improvements, and make its reports and findings available to the public and to lawmakers. The provisions included in SB 134 would go a long way in achieving these goals and help shine a much-needed light on what happens inside Maryland's prisons.

The ombudsman envisioned in SB 134 is similar to other fully independent prison oversight bodies that have been established in numerous other states.⁴ Some may oppose independent oversight by claiming that it is

¹ Public Opinion Strategies, National Survey on Prison Oversight conducted for FAMM July 29-Aug. 3, 2022, <https://famm.org/wp-content/uploads/FAMM-National-Survey-KeyFindings.pdf>.

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³ FISCAL DIGEST OF THE STATE OF MARYLAND FOR THE FISCAL YEAR 2024 <https://dbm.maryland.gov/budget/FY2024FiscalDigest/FY24-Fiscal-Digest.pdf>

⁴ National Resource Center for Correctional Oversight, <https://prisonoversight.org/oversight-bodies/prisonoversight/>

unnecessary because of existing oversight mechanisms. While there is value to other forms of oversight like audits, accreditation of facilities, or Prison Rape Elimination Act (PREA) inspections, these events are sporadic, often announced in advance (giving officials time to hide or fix problems beforehand) and limited in scope.

The DPSCS's internal oversight efforts are commendable but lack the objectivity that only an independent investigation from an outsider can bring. Permanent, full-time independent prison oversight is needed in Maryland's prisons. Independent oversight can save lives, help address minor problems before they become larger system-wide issues, and go a long way to support corrections staff, incarcerated people, and their families in their daily concerns about health, safety, access to medical and mental health care and rehabilitative programming, lack of responsiveness to complaints, and myriad other issues. Neglected daily concerns of both corrections staff and incarcerated people can even be life-threatening. An annual audit, accreditation, or inspection is insufficient to identify and fix the problems and shortcomings staff, incarcerated people, and their families are living with day-in and day-out.

Independent oversight benefits everyone it touches. Corrections staff deserve a safe, healthy work environment and need a place to go with complaints that, for whatever reason, are squashed, unanswered, or ignored by the administration. Incarcerated people have a constitutional right to a safe, healthy, humane prison environment and need a place to go when the DPSCS grievance process breaks down or they have no safe place to turn to for help. Families of incarcerated people need someone to call when they cannot get help for their loved one despite following all the DPSCS's rules. Oversight encourages increased professionalism at every level of an agency.

Lawmakers also benefit from independent prison oversight. An independent prison ombudsman can be the eyes and ears of the legislature 365 days a year, reporting back on how prisons are really operating and how money is really being spent. Lawmakers need this steady feedback and insight into a large, expensive agency that can often be opaque and unresponsive. FAMM supports SB 134 and urges the committee to pass this crucial piece of legislation.

Thank you for considering our views, and please do not hesitate to reach out at ctrusty@famm.org or 267.559.0195 with any questions.