

Support SB 134 – Correctional Ombudsman Act

(supplemental testimony for crossover consideration as to budget concerns)

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger and House Judiciary Com.
FROM: Phil Caroom, MAJR Executive Committee
DATE: April 1, 2024

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) strongly supports bipartisan-sponsored SB 134 to create an independent Correctional Ombudsman (CO) office that will bring transparency and identify solutions for the many long-standing problems of Maryland prisons.

Please refer to MAJR’s previously submitted testimony as to expected savings on prison healthcare costs, litigation costs, and improvements in prison operations reported from 20 sister states that have adopted programs similar to SB 134’s CO office. This supplemental testimony focuses primarily on any budget concerns as to SB 134.

As passed unanimously by the State Senate, SB 134 amendments would-

- 1) move the CO from the AG’s office to become an independent agency, thus avoiding potential conflicts for AG attorneys;
- 2) house the CO with the Juvenile Justice Monitor Unit, taking advantage of the institutional experience of that similar office which has operated for more than 10 years; and
- 3) provide first-year CO funding from Justice Reinvestment “remaining savings” from unused funds* designated for inmate services so there would be no initial impact on the General Fund.
- 4) In future years, beyond any budget cost, the CO also may review and apply for federal funding sources, including grants offered under the Justice Reinvestment Initiative and the Second Chance Act.

As to note 3), above, it should be understood that this Justice Reinvestment (JR) “remaining savings”(State Govt.Art., sec. 9-3207(b)) is separate from the Performance Incentive Grant Fund (PIGF) available annually for local governments and nonprofit organizations. On Feb.29, 2024, a notice for grant applications reported PIGF funds available of \$7.5M.

The JR “remaining savings” for state agencies simultaneously were reported as \$5M. The statute, before adoption of SB134, currently limits this amount’s use to

“development and implementation of a post–secondary education and workforce training program for each correctional institution in the Division of Correction that provides inmates with the requisite training, certifications, and experience to obtain careers in in–demand job sectors.”

*However, no specific programs currently are listed in the budget to make use of these \$5M for those purposes. The CO office, however, would take appropriate action to address these unmet needs in its first year of operation. SB 134’s uncodified section 8 directs that, **in its first year, the CO shall:**

“conduct an audit of programming and services provided by the Division of Corrections since fiscal year 2019.

This audit shall include, among other things, an examination of:

(1) rates of participation by incarcerated individuals in:

(i) educational and vocational training;

(ii) evidence–based behavioral health and substance abuse counseling; and

(iii) mentoring and reentry programs; and

(2) any obstacles to participation by incarcerated individuals...” (Emphasis added.)

Finally, to address budget concerns, legislators should note that the CO would focus on the above-referenced audit and would limit first-year pilot-phase investigations to Jessup-area prisons. This low-budget pilot phase would set guidelines and operate with an initial staff of only two. In later years, the staff would expand to seven or more.

As discussed in prior testimony, SB134’s CO office will address abuses and system-wide gaps in Md. prison services (education, job-training, drug-treatment, peer-counseling) to make big improvements in Maryland prisons at comparatively small costs. Please give a favorable report to this important bill!

PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary or any other unit of state government.