



Written Testimony
In Favor
SB – 0134 (as amended) – Correctional Ombudsman

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March 28, 2024

We submit this written testimony on behalf of the American University Washington College of Law Decarceration and Re-entry Clinic in support of the Correctional Ombudsman Bill. Our Clinic represents individuals who have served decades in Maryland’s prisons, and we advocate for their release in Maryland Circuit Courts and at parole hearings. In this capacity, we expend an inordinate amount of time visiting Maryland facilities and interacting with employees and incarcerated individuals within.

One significant concern voiced by numerous clients housed at various prisons in Maryland involves the availability of quality educational programs, including GED and college degrees, within their facilities. Until 2004, the Incarcerated Individual Education program was operated by the Maryland Department of Education;¹ subsequently, the Maryland Department of Labor has overseen prison education programs. Since this transition, the number of GEDs and college degrees awarded to men and women in our prisons has declined significantly,² as has the quality of educational services offered. Research has consistently shown that individuals who have access to quality educational programming while in prison are “up to 43 percent less likely

¹ *Incarcerated Individual Education*, U.S. DEP’T OF PUBLIC SAFETY & CORRECTIONAL SERVS., <https://www.dpscs.state.md.us/rehabservs/doc/education.shtml> (last visited Mar. 26, 2024) (note the most recent educational statistics included on this webpage are from 2004).

² See *2024 Legislative Priorities for Criminal Justice Reform in Maryland*, MD. ALLIANCE FOR JUST. REFORM (Nov. 14, 2022), <https://www.ma4jr.org/initiatives-2024>.

to reoffend and return to prison... [and] are far more likely to find a job after their release, and the social stability that comes with it.”³

The Issue

As an example of the issues reported to our clinic, one of our clients has recently struggled to obtain proper accommodations for his GED testing due to various roadblocks instituted by his principal and the GED Testing Accommodations Office. This client has suffered from learning disabilities since birth and was enrolled in special education classes from grade school through his final year in high school. As he attended school in the 1990s, his records have been destroyed per Baltimore County Public School policy, or were never properly documented, such as in an Individualize Education Program (IEP). However, we were able to obtain a copy of his public school transcripts evidencing that he was enrolled in special education classes. Receiving them and forwarding them to the institutional staff finally prompted his principal to initiate the accommodations request process from the GED program. Such accommodations would allow our client to receive extra time to complete his final tests. Unfortunately, this process has been cumbersome and discouraging to our client, and despite his own advocacy in school, his requests were not taken seriously until his attorneys reached out to his principal. The current grievance process to report these issues with the education staff is burdensome. Further, as the current Inmate Grievance Office (IGO) only has jurisdiction over grievance complaints “against Department of Public Safety and Correctional Services (DPSCS) officials and employees,”⁴ and as previously noted, because the Department of Labor employs the educational

³ Doug Irving, *The Case for Correctional Education in U.S. Prisons*, RAND CORP. (Jan. 3, 2016), <https://www.rand.org/pubs/articles/2016/course-correction-the-case-for-correctional-education.html>.

⁴ Inmate Grievance Office, U.S. DEP’T OF PUBLIC SAFETY & CORRECTIONAL SERVS., <https://dpscs.maryland.gov/agencies/igo.shtml> (last visited Mar. 27, 2024).

staff, there is no guarantee that the IGO will be able to take meaningful action. However, we believe that a Correctional Ombudsman would provide one avenue of reprieve, as SB 0134 grants the Ombudsman the power to conduct independent reviews and assessments of educational and vocational programs.⁵

Another issue brought to our clinic's attention involved the abrupt termination of a college education program that provided individuals with an opportunity to further their education. Administered by the University of Maryland Eastern Shore, the program allowed participants to register for and take courses towards earning their bachelor's degree. Unfortunately, the college education program was abruptly discontinued without any notice, leaving incarcerated individuals uncertain about the feasibility of continuing their college education and achieving the goals they set up for themselves.

This reality is deeply troubling and halts the trajectory of rehabilitation for many incarcerated people because very few college-level programs are offered to incarcerated people within Maryland's prisons. As mentioned above, studies have consistently shown that individuals who participate in educational programs while incarcerated are significantly less likely to reoffend upon release, as they acquire valuable skills, knowledge, and perspectives that empower them to make positive choices and contribute meaningfully to society.⁶ By abruptly terminating this program, the correctional system undermined incarcerated people's ability for self-improvement and opportunity to receive the tools they need to build a better future for themselves. With a Correctional Ombudsman in place, we believe that we can better ensure that

⁵ S.B. 0134 (as amended) § 9-3804(A)(2)(IV), 446th Gen. Assemb., Reg. Sess. (Md. 2024).

⁶ *Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons*, U.S. DEP'T OF JUST., [https://www.justice.gov/archives/prison-reform#:~:text=Research%20shows%20that%20inmates%20who,the%20costs%20of%20re%2Dincarceration.\(last visited Mar. 26, 2024\)](https://www.justice.gov/archives/prison-reform#:~:text=Research%20shows%20that%20inmates%20who,the%20costs%20of%20re%2Dincarceration.(last%20visited%20Mar.%2026,%202024).).

college education programs are instituted and not abruptly discontinued. The Correctional Ombudsman will be able to assess the overall needs of the education system in the institutions and make recommendations for improvement.

Lastly, it is important to acknowledge that the lack of access to quality educational programs within Maryland's prisons exacerbates existing disparities and inequalities within the criminal legal system. Incarcerated individuals, particularly those from under resourced communities, often face significant barriers to accessing higher education, both inside and outside the prison walls. By denying them access to educational opportunities, the correctional system perpetuates cycles of disadvantage and limits the potential for incarcerated individuals to reintegrate society successfully. We believe that a Correctional Ombudsman can play a crucial role in advocating for quality educational programs and equitable access while also addressing systemic barriers.

Conclusion

Overall, a Correctional Ombudsman could make a significant difference in this area through several different avenues. For one, the Ombudsman would be able to investigate complaints regarding unequal educational opportunities, pushback from education staff, or interference in an individual's educational pursuits. Moreover, the Ombudsman would have the power to monitor, review, and report on the current state of education programs within the facilities, including addressing the barriers individuals face in trying to obtain their education. This could even include working directly with the Department of Labor to improve the system. The Ombudsman would also be able to advocate on behalf of incarcerated individuals for systemic improvements and more educational opportunities in the system.

In conclusion, through advocacy, oversight, and investigations, a Correctional Ombudsman can drive the positive change we need to see within the correctional system. Ultimately, their role is pivotal in breaking down systemic barriers and ensuring that educational opportunities are prioritized within correctional facilities as a fundamental aspect of rehabilitation.

We urge you to please vote favorably on Senate Bill 0134 with amendments. Thank you.