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House Judiciary Committee

HB 297 – Office of the Attorney General—Correctional Ombudsman Unit

Thursday, March 7, 2024 at 1:00 PM

Position: Support with Amendment

Disability Rights Maryland (DRM) is Maryland’s state-designated Protection and Advocacy organization, empowered under state and federal law to protect individuals with disabilities from abuse, neglect and civil rights violations. Over the past decade, DRM has advocated for improved conditions for individuals with serious mental illness and other disabilities in state correctional facilities, particularly those housed on segregation (restrictive housing) units. We have visited and toured many of the state’s facilities, reviewed thousands of pages of records, engaged with administrators and representatives of the Department of Public Safety and Correctional Services (DPSCS), and communicated with incarcerated individuals with disabilities throughout the State. Our testimony is informed by what we have learned through this work and from those who are directly impacted.

In 2021, we filed *DRM v. Green*, Case No. 1:21-cv-02959-MJM, in federal district court to secure the rights of individuals with serious mental illness to be free from the harm caused by segregation and to ensure that such individuals are provided with appropriate mental health programming and treatment. That case is still pending.

Maryland is responsible for the well-being of the people it incarcerates, but egregious rights violations and widespread injustices within Maryland’s correctional facilities currently continue with little outside oversight. Disability Rights Maryland hears frequently from incarcerated individuals and their loved ones about serious abuse, neglect, and rights violations that they face, but incarcerated individuals have few avenues to have their voices heard when their rights are violated, and even fewer avenues to seek redress for those violations. This bill would create a method of oversight and accountability that the Department of Public Safety and Correctional Services desperately needs. A Correctional Ombudsman Unit would have the power to investigate actions by DPSCS and by contractors, including rights violations suffered by incarcerated individuals. However, housing the Correctional Ombudsman Unit within the Office of the Attorney General (OAG) would create a conflict within OAG, as OAG also represents DPSCS. DRM supports an amendment that would establish an independent Correctional Ombudsman Unit.

A unit separate from DPSCS and the Office of the Attorney General that could investigate complaints and issue findings and recommendations, could assist incarcerated persons in addressing systemic issues within Maryland’s correctional facilities and mitigate rights

violations. It would also provide a method to address rights violations that fall within the gaps of current complaint issue areas, as complaints against contractors who provide medical and mental health services for DPSCS currently do.

HB 297 would also require the Ombudsman to report annually to the General Assembly, creating transparency around the work of the Ombudsman, systemic issues within DPSCS, and around how DPSCS responds to the Ombudsman's recommendations. DRM believes a Correctional Ombudsman program is needed and would provide a benefit to incarcerated individuals and their loved ones. We urge this committee to provide a favorable report on HB 297 if it is amended to establish an independent Correctional Ombudsman Unit.

Should you have any questions or need additional information, please contact Em Holcomb, Staff Attorney at Disability Rights Maryland, at emh@disabilityrightsmd.org or at 443-692-2536.