

Testimony in Support of House Bill 297 (Favorable)
Office of the Attorney General - Correctional Ombudsman Unit

To: Delegate Luke Clipinger, Chair, and Members of the Judiciary Committee; and
Delegate Joseline A. Pena-Melnyk, Chair, and Members of the Health and
Government Operations Committee (Jointly Assigned)

From: Nicolas Pittman, Student Attorney, Youth, Education and Justice Clinic (admitted
to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission
to the Bar)

Date: March 5, 2024

I am a student attorney in the Youth, Education and Justice Clinic (“the Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents individuals serving life sentences in the Maryland correctional system for crimes they committed as children or young adults. The Clinic writes in support of House Bill 297 (“HB 297”), which seeks to establish an independent monitoring unit, the Correctional Ombudsman Unit, to investigate complaints within Maryland prisons as well as, more generally, oversee conditions within prisons.

Prisons operate beyond our view; therefore, incarcerated individuals are uniquely vulnerable to mistreatment.¹ Abuse in Maryland’s prisons is well-documented and ongoing.² These abuses include the denial of medication to terminally ill patients and unexplained delays in the grievance process designed to allow incarcerated persons to flag issues to prison staff.³

¹ Michele Dietch, *But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States*, 47 AM. J. CRIM. L. 207, 218 (2021). See generally, LAUREN BROOKE-EISEN & ALIA NAHRA, BRENNAN CENTER FOR JUSTICE, THE LANDSCAPE OF RECENT STATE AND COUNTY CORRECTIONAL OVERSIGHT EFFORTS (Mar. 15, 2022), <https://www.brennancenter.org/our-work/research-reports/landscape-recent-state-and-county-correctional-oversight-efforts>.

² E.g., MD. FOOD & PRISON ABOLITION PROJECT, “I REFUSE TO LET THEM KILL ME”: FOOD, VIOLENCE, AND THE MARYLAND CORRECTIONAL FOOD SYSTEM 23-33 (2021) (describing poor nutrition, inhumane meals, and insufficient quantities of food in Maryland’s prisons), <https://static1.squarespace.com/static/5cfbd4669f33530001eeeb1e/t/614a994382003d4b88ba44d9/1632278867753/Food%2C+Violence%2C+and+the+Maryland+Correctional+Food+System+%E2%80%94+Full+Report.pdf>.

³ *Office of the Attorney General- Correctional Ombudsman: Hearing on H.B. 64 Before the S. Comm. on the Judiciary*, 2023 Leg., 445th Sess. (Md. 2023) (testimony of Lila Meadows).

The Correctional Ombudsman Unit would play a critical role in ensuring and enhancing the integrity of Maryland's prisons. Specifically, the Ombudsman would monitor state prisons and streamline oversight critical to accountability and transparency. The current complaint resolution system only allows incarcerated individuals to submit written or typed grievance letters. These letters go through multiple levels of review and can take years to be addressed.⁴ Prison staff are responsible for the grievance process, which means that prison personnel monitor themselves. Prison personnel often investigate their colleagues, which calls into question the objectivity and integrity of the grievance process. This process also exposes incarcerated individuals to potential staff retaliation. The Correctional Ombudsman Unit would have the authority to monitor prisons, including the ability to make unannounced visits and on-site inspections. Furthermore, the Unit could publish public reports, review every complaint filed with the correctional standards commission, and work with a community advisory board to address community concerns. HB 297 would allow incarcerated persons to contact the Correctional Ombudsman Unit by letter, through an in-person visit, or via a community oversight board. Incarcerated individuals would have a more direct line of communication to express grievances and complaints, thereby quickening complaint resolution and turnaround. The Correctional Ombudsman Unit would expedite complaints through independent and impartial oversight. Thus, HB 297 would remove delay, bias, and the threat of retaliation from the grievance process. Through its various roles, the Correctional Ombudsman Unit would help ensure the basic services and protections that incarcerated individuals are entitled to receive.

Independent oversight is proven to work in Maryland. In 2002, Maryland established the Juvenile Justice Monitoring Unit, which provides independent oversight of Maryland's juvenile justice system.⁵ Its mandate is to "investigate the needs of children under the jurisdiction of the Department of Juvenile Services and determines whether their needs are being met in compliance with State law."⁶ It has published several reports that have led to improved youth safety and physical and mental health.⁷ Like the Juvenile Justice Monitoring Unit, the Ombudsman Unit would operate independently. Its reports would increase transparency by detailing conditions within Maryland's prisons. These reports would not only improve Maryland's prisons, but also would give Maryland taxpayers insight into the prisons they fund.

Incarcerated individuals in Maryland are entitled to living conditions that comport with their state and federal constitutional rights as well as fundamental principles of dignity and humanity. It is imperative that Maryland ensure a complaint system that is efficient and transparent, enabling incarcerated individuals to articulate their grievances effectively. Also imperative is the ongoing review and assessment of prison conditions, including various services and programs available within prisons. HB 297 offers a promising way

⁴ *Office of the Attorney General- Correctional Ombudsman Unit: Hearing on S.B. 134 Before S. Comm. on Judicial Proceedings*, 2024 Leg., 446th Sess. (Md. 2023), (testimony of Senator Shelly Hettleman).

⁵ MARYLAND OFFICE OF THE ATTORNEY GENERAL, JUVENILE JUSTICE MONITORING UNIT, <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx> (last visited Mar. 3, 2024).

⁶ *Id.*

⁷ *Id.*

forward via the Correctional Ombudsman Unit. Therefore, we respectfully request a favorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.