

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



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Olinda Moyd, Esq.

Testimony in Favor of HB 0604 and SB 0512 – Correctional Ombudsman

Transparency and accountability are hallmark to the efficient operations of many forms of government systems. The operation of our jails and prisons should be no different and the walls built to keep detainees confined should not also be used to keep the public out. There are several reasons why we have proposed and support this bill.

I chair the Behind the Walls workgroup for MAJR and we receive numerous letters which include details about problems, such as medical and mental health care, access to the courts and rehabilitation programs and property matters that should be addressed immediately before they become systemic issues. As a Prisoner's Rights attorney, I am keenly aware that individual litigation and class action lawsuits can be costly and time consuming. The Administrative Remedy Procedures are spelled out in COMAR 12.02.28.1 However, many individuals behind bars state that the ARP process does not always work to resolve issues, that if the APR coordinator is out on leave their complaints go unresolved, or they get dismissed at the first stage for procedural reasons. Regular monitoring and reporting by a correctional ombudsman allows for early detection of problems and addressing them in lieu of waiting for months to complete the ARP process.¹

Services and programs often get discontinued randomly, without explanation and family members get banned, turned away and are treated like criminal suspects during visits. Maintaining family connections during incarceration helps to maintain the family unit, it enhances the well-being of the individual who is incarcerated and it facilitates their post-release success. It also serves to maintain peaceful operations within the institutions. Volunteers and family members should be treated with respect and have an avenue to complain without fear of reprisal, which is one essential element in this bill. Volunteers have kept many of the limited programs afloat even during the pandemic. They should not be made to feel unwelcome and the value that they bring to institutional operations must be recognized.

The correctional ombudsman would also provide an opportunity for staff to confidentially share their concerns about past incidents and about emerging problems, and to highlight those aspects of prison

¹ Code of Maryland Regulations, Title 12. Department of Public Safety and Correctional Services, Administrative Remedy Procedures to Resolve Inmate Complaints

operations that are working well. Having an external, independent oversight can be effective and positively impact the overall facility operations for both staff and the incarcerated population alike.

The bill outlines that the purpose of the correctional ombudsman is to investigate complaints, conduct independent reviews and assessments, inspect the premises via unannounced visits, seek to resolve complaints through mediation and provide annual reports. This office would operate similarly to the Juvenile Justice Monitoring Unit, which has enhanced transparency. Most importantly, the American Bar Association policy on oversight calls on every state to create similar oversight.² This Ombudsman office would be enhanced by the support of the community-based advisory committee made up of a broad range of individuals, to include returning citizens.

This bill is designed to meet what the ABA calls for. Without a system of external oversight there are few ways to determine if Department of Public Safety and Correctional Services priorities and mission are consistent with actual practice.

We urge a favorable report.

Thank you for your time and attention.

² See ABA Report to the House of Delegates, Monitoring Correctional and Detention Facilities, January 2018