



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 512 – OFFICE OF THE ATTORNEY GENERAL – CORRECTIONAL OMBUDSMAN

While long overdue, independent oversight and the opportunity to improve current conditions within Maryland's correctional facilities has become particularly urgent with the current COVID pandemic. Educational programs, programs to address substance abuse and reentry support services are especially challenged and an already isolated population became even more cut off from the world.

Senate Bill 512 establishes the Office of the Ombudsman for correctional facilities in the Office of the Attorney General, to provide public reports and recommendations on the needs and rights of prisoners, their families, and prison volunteers. This position would provide needed **independent** oversight of the adult corrections system, while improving safety and other conditions inside Maryland's prisons.

The bill establishes necessary processes and reporting mechanisms for addressing concerns and promoting transparency within Maryland's prisons. The Office of the Ombudsman would be responsible for:

1. Investigating complaints concerning incarcerated persons' health, safety, welfare, and rights
2. Providing pertinent information to prisoners and their families
3. Identifying and publicizing pervasive systemic issues
4. Monitoring compliance of the Department of Corrections with relevant statutes and policies

Over the past few years, the General Assembly has recognized the importance of independent assessment of some of our larger agencies. Just last year, we created an Office of Inspector General for the Department of Health that is independent from the agency. We have created a similar entity with regard to school oversight, and only a few days ago we created an Accountability and Implementation Board solely focused on the Blueprint for Maryland's future.

The FY2023 budget for the Department of Public Safety and Correctional Services (DPSCS) is over \$1.4 billion. The Department operates 13 correctional facilities, 5 detention facilities in Baltimore City, it is responsible for nearly 18,000 offenders, and supervises thousands through parole and probation. In all, DPSCS employs nearly 10% of the state workforce and accounts for over 5% of general fund expenditures.

The operations of correctional and detention facilities should be transparent and accountable to the public they serve. Public identification of significant problems in correctional conditions and operations can and should lead to the rectification of those problems, resulting in correctional and detention facilities that are safer, operated in conformity with best practices, the Constitution, and better equip inmates for a successful reentry into society.

Second, potential problems that have been overlooked, perhaps unintentionally, can be detected and prevented from becoming major issues through the objective observations of an entity that is wholly independent of the facility being inspected.

Third, external oversight of correctional operations and the problem solving that it initiates can be a cost-effective and proactive means to potentially avert lawsuits challenging the legality of conditions of confinement or the treatment of prisoners.

Fourth, the factual findings of the monitoring entity can substantiate the need for funds requested by correctional administrators. And finally, the revelation by a monitoring entity of what is and is not happening behind prison walls can lead to better-informed decisions about a jurisdiction's sentencing and correctional policies.

The Juvenile Justice Monitoring Unit based out of the Attorney General's office is an excellent model of the kind of collaborative working relationship that can flourish between an agency and an ombudsman. Created in response to a scandal in the juvenile justice system, we should not wait for another crisis behind the walls to create this oversight mechanism. We already know of at least 5 major scandals since 2008 including bribery, drug trafficking, corruption, money laundering and gang activity in Jessup, the Baltimore City Detention Center, and Eastern Correctional Institute.

The agency may assert that there are sufficient oversight mechanisms in place through the Commission on Correctional Standards, Office of Legislative Audits, and other bodies. To my knowledge, none of these entities makes surprise visits. Rather, facilities know exactly when they are to visit, resulting in a flurry of activity to prepare. They are assessed through presentation rather than observation. Finally, we have heard via direct communication from individuals in many of the institutions that the internal grievance processes are ineffective and structurally deficient.

By establishing the Office of the Ombudsman in the Attorney General's office, Maryland would join more than ten other states in practicing good-government, providing an independent Ombudsman to publicly report on and make recommendations to improve our correctional facilities. Thank you.