

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Prison Oversight: Establishing a Maryland Correctional Ombudsman

The problem

Prisons in Maryland are dangerous and unhealthy. Incarcerated people are often subjected to acts of violence and other abuse, sometimes by staff. They often have trouble obtaining adequate medical care, diagnostic tests, and medication; worshipping as they wish; getting mail, reading material, and access to libraries; doing legal research or obtaining legal representation. Programs for rehabilitation are frequently hard for incarcerated people to access. Family members often face obstacles in visiting their loved ones. Both incarcerated people and staff often face retaliation for reporting misconduct, which can then become widespread and entrenched. Prisoners often face retaliation if they seek redress of their grievances. Correctional administrations are notoriously defensive and closed to outside review.

In the past 11 years, Maryland's state correctional institutions have endured at least six major criminal scandals:

- [In spring 2008](#), 17 correctional officers were fired from two Maryland prisons, charged with assaulting and abusing those in their care.
- [In April 2013](#), 13 female guards at the state-run Baltimore City Detention Center were among 25 persons indicted by a federal grand jury for bribery, racketeering, extortion, drug trafficking, and money laundering. Additional indictments were filed, and at least 40 people had pled guilty by November 2017.
- [In October 2016](#), another 80 people, including 18 corrections officers, were indicted for similar crimes at the Eastern Correctional Institution in Westover. This was the third large-scale federal indictment of widespread corruption and violence in Maryland state-run correctional institutions in a decade. As of November 2017, more than 60 defendants had pled guilty.
- [In November 2017](#), a Jessup Correctional Institution sergeant was indicted for being a leader of the Crips organization in Baltimore; another correctional officer was among 25 indicted.
- [In April 2019](#), 20 defendants were arrested on federal charges alleging drug trafficking, bribery, contraband smuggling, and money laundering in connection with activities at Maryland Correctional Institute, Jessup.
- [In December 2019](#), 25 correctional officers were indicted for "using excessive force on detainees at state-operated Baltimore pretrial correctional facilities."

A solution

What is needed is a completely independent oversight mechanism of Maryland's correctional system, such as that adopted by the state of Washington: the [Office of the Corrections Ombuds](#). The Office of the Corrections Ombudsman (OCO) would be an independent, impartial public office—not part of the Department of Corrections—that serves the state of Maryland by promoting positive change in corrections. [A 2022 poll](#) sponsored by Families Against Mandatory Minimums found that 82% of Americans support independent prison oversight.

We recommend that the OCO have the authority to enter any facility at any time and talk to anyone as needed. It would be responsible for:

- Investigating complaints related to incarcerated persons' health, safety, welfare, and legal rights.
- Providing information to incarcerated persons and families regarding self-advocacy.
- Identifying and publicizing systemic problems.

- Monitoring and ensuring compliance of the DPSCS with relevant statutes, rules, and policies regarding the treatment of incarcerated persons under the jurisdiction of the DPSCS.

Correspondence and communication with the OCO would be confidential and privileged. The Ombuds would not have the responsibility to fix the problems it identifies. Rather, its role would be to uncover and publicize problems and urge that they be addressed.

Will this work?

Both incarcerated people and staff want safe, well-run institutions. Correctional management is interested in improving the quality of its institutions, reducing deaths, injuries, illness, workplace grievances, and lawsuits. An OCO can support agency requests for additional resources. Indeed, it can ask for additional resources more easily than an agency inside the DPSCS, which is constrained by the Governor’s budgetary policies. Unannounced, independent inspections would not duplicate the current use of an employee’s regularly scheduled, routine checklists.

What are other states doing?

Approximately [18 states are reported to have various entities overseeing prisons](#). The following states have active independent ombudsmen or “inspector general” offices for corrections: [Alaska](#), [Washington](#), [California](#), [Florida](#), [Indiana](#), [Michigan](#), [Nebraska](#), [New Jersey](#), [Texas](#), [Hawaii](#), and [Minnesota](#). Five more states ([Illinois](#), [Massachusetts](#), [New York](#), and [Pennsylvania](#)) legally permit access to a nonprofit organization to enter and inspect prisons, to interview personnel, and to produce periodic reports and recommendations. In 2022 [Virginia](#) completed a comprehensive report on the advisability and logistics of establishing an independent correctional ombudsman office to replace its current institutionally controlled oversight system. [Iowa’s general governmental ombudsman office](#) includes investigating prison and jail complaints as one of its functions. Finally, two more states—[Ohio](#) and [Mississippi](#)—attempt independent supervision of state prisons using legislative committees.

Status of the legislation

Independent ombudsman legislation has previously been supported by the Maryland Attorney General, the Maryland Juvenile Justice Monitoring Unit, the Public Defender, and many other advocates ([HB604](#); [SB512](#)). Legislation will again be proposed in 2023.

Learn More

- American Bar Association, [Ombuds Day Toolkit](#), 2022.
- Michelle Deitch, [Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory](#), *Pace Law Review*, 2010.
- Dean M. Gottehrer and Michael Hostina, [Essential Characteristics of a Classical Ombudsman](#).
- [Governor Hogan signs Ombuds Day Proclamation](#). 2019
- International Ombudsman Association, [Ombuds Best Practices](#), 2009.
- Judith Jones and Alvin W. Cohn, [State Ombudsman Programs](#), 2005.
- National Conference of State Legislatures, [The Ombudsman](#), 1999.
- South Carolina Legislative Oversight Committee, [Survey of States Ombuds Programs](#), 2019
- U.S. Ombudsman Association for State Governments, [Model Ombudsman Act](#), 1997.