

PASS THE CORRECTIONAL OMBUDSMAN BILL SB 0134 & HB 0297

OVERVIEW & THE PROBLEM



Maryland's prisons are dangerous and unhealthy environments for individuals living, working, volunteering, and visiting them. People in these environments frequently experience acts of violence and abuse, often perpetuated by the facilities staff.

Every day, incarcerated persons encounter challenges in accessing adequate medical care, including receiving adequate medication or mental health and substance abuse services. Additionally, they face obstacles in connecting with their communities, obtaining legal assistance, or participating vocational and educational programming. Moreover, both incarcerated individuals and correctional staff face retaliation for reporting misconduct that happens within facilities, creating a culture of fear.

The establishment of The Office of the Corrections Ombudsman is essential for eradicating these issues and creating positive change within the Maryland correctional system. An Ombudsman will protect those living, working, volunteering, and visiting Maryland's prisons.

THE SOLUTION



It's time to shine a light on what is happening behind closed prison doors.

What we need is a completely independent oversight mechanism of Maryland's correctional system. The Office of the Corrections Ombudsman 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.

WHAT IS A CORRECTIONAL OMBUDSMAN?

A Correctional Ombudsman is someone with experience in auditing, conflict resolution, government relations, investigations, law, or social work, who investigates and tries to resolve complaints, usually through recommendations or mediation, with the goal of creating a healthier and safer environment within Maryland's prison system.

WHY THIS APPROACH?



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.

WHAT WILL AN OFFICE OF CORRECTIONAL OMBUDSMAN DO?¹

INVESTIGATE

Investigate complaints from men and women behind bars, staff, volunteers and family members related to incarcerated persons' health, safety, welfare, and legal rights, as well as administrative acts. To do this effectively, The Office of the Ombudsman would have the power to subpoena sworn testimony, access agency records and reports, conduct independent reviews, and inspect prison premises via unannounced visits.

EDUCATE

Educate by providing information to incarcerated persons and families regarding self-advocacy.

MONITOR & REPORT

Monitor & Report by identifying and publicizing systemic issues, ensuring compliance, and producing an annual report to the Governor and General Assembly.

ASSESS

Assess agency policies on a wide range of issues, including the use of restrictive housing, plans to close or renovate facilities, the adequacy of mental health care and educational or vocational programs, and more.

THE CORRECTIONAL OMBUDSMAN ADVISORY BOARD

A Correctional Ombudsman Advisory Board will provide information to The Office of the Correctional Ombudsman and assist the Office in identifying matters to investigate. The Board will consist of members who are family of incarcerated individuals, returning citizens, non-supervisory correctional officers, and individuals with backgrounds in healthcare and social work.



THIS APPROACH WORKS!

Twenty other states and the federal penal system have implemented independent Correctional Ombudsman or Inspector General offices to oversee their respective prison systems. Other states allow nonprofit organizations to perform similar duties, or use their general governmental ombudsmen or legislative committees to provide independent supervision.

These programs have seen success in improving the process for addressing issues within the system. For example, Washington State's Director of the Office of the Corrections Ombudsman reported that in its first year alone, it was able to open over 2,000 cases, and its office "impacted positive change for hundreds of incarcerated individuals."²

CONCLUSION³

A Correctional Ombudsman will help create an environment that respects the rights of incarcerated individuals, their families, volunteers, and prison staff. Transparency and accountability will create more humane and rehabilitative conditions in our state's prisons.

SOURCES

1. *Prison Oversight: Establishing a Maryland Correctional Ombudsman*, MD. Alliance for Just. Reform, <https://www.ma4jr.org/wp-content/uploads/2023/07/prisonOversight2.pdf> (last visited Feb. 3, 2024).
2. Joanna Carns, *Annual Report 2019*, Off. of. Corrections Ombuds of Wash. (Nov. 1, 2019), <https://oco.wa.gov/sites/default/files/public/Annual%20Report%202019%20Final.pdf>.
3. National Resource Center for Prison Oversight, <https://prisonoversight.org/> (last visited Feb. 4, 2024).