

WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

TO: Sponsor of the bill **Senator Benson-SB0036 and Delegate Simmons - HB565**

DATE: 2-2-2024

My name is Janet Tupper, and I am a Maryland resident. I strongly support **SB036/HB565** because it addresses the longstanding and ongoing national crisis of deaths occurring in custody. Many of these tragic incidents result from unnecessary use of force, neglect, or medical inefficiencies within the criminal legal system. It's disheartening that the United States Government does not possess accurate data on the annual number of deaths in custody, which is both a moral and administrative failure. The absence of clear, accessible information hampers the ability of policymakers, researchers, and advocates to instigate meaningful changes aimed at reducing preventable in-custody deaths.

- In Maryland alone, from January 2009 to March 2023, approximately 885 individuals lost their lives within the Department of Corrections, and there were 180 deaths recorded in 10 county detention centers from 2008 to 2019. These figures underscore the nationwide scope of the issue. It's worth noting that county detention centers differ from state correctional facilities in that they primarily house individuals awaiting trial or arraignment. This means that a lot of these people have died in custody before a trial. We want Maryland to set a precedent by demonstrating a commitment to transparency and accountability, with the goal of reducing in-custody deaths through improved adherence to established procedures and policies.
- I am a participant in a community Court Watch organization and listen to bond hearings in the Prince George's County District Court. I have been shocked at number of people detained while awaiting trial who experience grave, life-threatening illnesses and or injuries It is not uncommon to hear of community members in detention who have major medical concerns such as cancer, heart disease, diabetes, high risk pregnancies, or are recovering from gunshot wounds or accidents. Though the jail claims to have medical facilities to treat such community members, it is not an adequate substitute for medical care outside of the correction facility. I believe that

community members with grave medical illnesses are at a much higher risk of death while detained.

SB36/HB565 is designed to ensure transparency and accountability within Maryland's custody system. It aims to guarantee that when an individual dies while in custody, the pertinent details become publicly accessible. The bill further strives to pinpoint and rectify the primary causes of such deaths while safeguarding the well-being and dignity of those in custody. To achieve these objectives, the bill proposes the establishment of an independent Oversight Board. This Oversight Board will conduct thorough reviews of all in-custody deaths in Maryland, issuing detailed reports that elucidate the circumstances leading to each fatality. In addition to these reports, the Oversight Board will furnish recommendations for preventing similar deaths and oversee the implementation of these suggestions.

The agency responsible for an individual in custody is mandated to promptly notify the Oversight Board within a certain amount of time of the person's death. This notification should include specific information about the deceased individual, encompassing their name, birth date, gender, race, and ethnicity. The Oversight Board will meticulously analyze each case, drawing conclusions and offering recommendations concerning the individual's death. Furthermore, the notification should contain a comprehensive description of the circumstances surrounding the death and the rationale behind the person's detention.

This bill reflects "In-custody death" encompasses any fatality occurring while an individual is detained, under arrest, during an arrest attempt, while being transported by law enforcement or correctional officers, within an institution's infirmary or hospital under the custody of law enforcement and correctional officers, during a pursuit by a government official in a motor vehicle, or while incarcerated in various types of facilities within the state of Maryland that detain individuals on behalf of Immigration and Customs Enforcement.

Thank you for your time in this matter and I pray that this needed bill is voted on and passed into law.

Janet Tupper

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