

TESTIMONY OF JADE ALICE EATON
IN SUPPORT OF SENATE BILL SB36
“Maryland Deaths in Custody Oversight Board”

I am Jade Eaton and I live in Greenbelt Maryland. I have testified before this committee in the last two legislative sessions in support of virtual access to Maryland courts. I have spoken of my experience, now three years in, of watching and then listening to bond review hearings in my home county. The people whose cases I am listening to are being held in a county detention center. If not released on bond, they will spend weeks or months in a county detention center before their trials. In addition, Maryland uses county detention centers to house people incarcerated for short sentences or for minor crimes. And that is why I am submitting this testimony—In the years 2008 to 2019 at least 180 people held in local city and county detention centers died in custody. There is presently no systematic means to hold the facilities accountable to report the circumstances of those deaths.

Almost every one of the districts you represent contain portions of counties where people died in local detention centers between year 2008 and 2019. Not in state or federal prisons, in local “detention centers”--jails. These are the first places that people are taken when they are arrested and tragically for some, the last places they ever see.

How do I know this? Because of a short but disturbing twenty-eight page study In-Custody Deaths in Ten Maryland Detention Centers. A copy is attached to this testimony. The study is based in large part on data collected by the federal Bureau of Justice Statistics (BJS). BJS stopped collecting this data as of 2019.* When we at Courtwatch PG started to research more recent deaths in jails in Maryland we found that there was no central state reporting system or even a central depository for information on circumstances of deaths of inmates who die in County and city facilities. We could find no State office that collects this information: not the Maryland Department of Corrections, not the Governor’s office, not your committee and not your offices. We had to collect it ourselves, through sending each separate county a Public Information Request. When the information started coming in, we found no consistency among the localities in what information they record on inmate deaths or how they record or maintain it.

The meager data we were able to collect raised red flags. We were lucky enough to team up with Civil Rights Corp and with BioCritical Labs at UCLA which was working with the BJS data. Here’s what the report details:

During the study period:

- Over 80 percent of the people who died in Maryland detention centers were in pretrial detention—they had not yet been convicted or even had their day in court.
- Over one sixth of the people who died in Maryland detention centers died IN THE FIRST TWO DAYS of detention.
- Over half of the people who died in Maryland detention centers died in the first TEN days of detention.

And this is just the information we KNOW. We also know this is NOT all the information. What is clear is that there are substantial gaps in reporting of deaths in Maryland correctional facilities. The Deaths in Detention report states “A complete review of all datasets in our collection suggests that there were at least 1,078 in-custody deaths in Maryland during the 2008-2019 time period” rather than the 180 deaths reported in federal BJS data.** This completely conforms to CWPG’s experience of incomplete and inconsistent responses of those detention centers who responded at all.

What is horrific is that the lack of accurate information on custodial deaths is national. A just-released book “Deaths in Custody” by Jay Aronson and Roger A. Mitchell looks at this problem nationwide. Mr. Aronson was asked by the L.A. Times why authorities don’t have accurate statistics on custodial deaths. He answered:

“We get asked that a lot. What we always come back to is that **we as a society don’t care about the people who are in jails and prison.** We associate them with people who are morally deficient. We boil people down to their worst moment.”***

This is not just a problem in Maryland but that doesn’t lessen your responsibility to remedy the situation here. Those numbers in the Deaths in Detention report are PEOPLE in MARYLAND.

Senate Bill 36 is a minimum first step to creating an accounting and accountability for the circumstances of deaths of all people who die incarcerated in Maryland. The bill:

- Creates an Oversight Board in the Office of the Governor that must investigate the death of any person incarcerated in Maryland at the time of death.
- Outlines the composition of the Board to create public trust in its investigations and findings, trust that can be lacking when law enforcement investigates itself.
- Specifies the people and documents that must be reviewed in the investigation.
- Requires that the Board develop recommendations and, in some cases, a compliance plan for the correctional facility where the death occurred.
- Specifies people to whom the Board will provide the recommendation, including the family of the deceased, the state Attorney General and this committee.
- Requires the Department of Public Safety to collect and provide information needed by the Board.
- Protects the confidentiality of medical records and the prohibits interference with certain law enforcement investigations.

To me this is the least that the State can do to respect the humanity of a person who dies away from family and community in State custody. It ensures that there will be answers for the families of the deceased inmates and for you who are responsible for the laws that govern our criminal justice system.

Being arrested shouldn’t be a death sentence. This oversight will help ensure that it isn’t.

Respectfully Submitted

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* <https://www.latimes.com/california/story/2024-02-02/death-in-custody-interview>. After BJS was barred from collecting this information the job was passed on to a Department of Justice grant-making entity who the Congress and GAO found had missed at least 1000 jail and prison deaths in 2021 alone making this source unreliable.

** In-Custody Deaths in Ten Maryland Detention Centers 2008 to 2019 (Deaths in Detention Report) at 9.

***LA Times interview.