



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 7, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 36 – Maryland Deaths in Custody Oversight Board – Letter of Information

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) – Office of the Chief Medical Examiner (OCME) respectfully submits this letter of information for Senate Bill (SB) 36 – Maryland Deaths in Custody Oversight Board.

This bill seeks to establish the Maryland Deaths in Custody Oversight Board within the Governor’s Office of Crime Prevention, Youth, and Victim Services, to analyze and make findings and recommendations related to deaths of incarcerated individuals.

The Maryland Office of the Chief Medical Examiner (OCME) is a statewide agency responsible for the investigation of all sudden and unexpected deaths in the State, including all non-natural deaths that occur due to injury, suspicious circumstances, and/or not in the attendance of a physician. The OCME is required by law to investigate deaths occurring in State-funded or State-operated facilities, which includes incarcerated individuals in correctional facilities and detention centers. Law enforcement in the jurisdiction where the death occurs is required to report the death to the OCME. As written, SB 36, would require the Maryland Deaths in Custody Oversight Board to include a licensed forensic pathologist. MDH respectfully suggests that the Chief Medical Examiner for the State of Maryland (or their designee) is the most suitable board certified and licensed forensic pathologist in the State to advocate for the deceased, and as such, should have an ex-officio appointment to the Board. Further, additional time (one hundred and eighty days) is recommended for report production because of the time it takes for the performing medical examiner to receive all necessary materials (including, but not limited to: standard ancillary test results, consultative examination reports, and materials from outside agencies) in order to perform a comprehensive review, certify the death, and compose the finalized autopsy report.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Scott". The signature is fluid and cursive, with the first name "Laura" and the last name "Scott" clearly distinguishable.

Laura Herrera Scott, M.D., M.P.H.
Secretary

AMENDMENTS TO SENATE BILL 36
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 15, strike “**AT LEAST ONE LICENSED FORENSIC PATHOLOGIST**” and substitute “**THE CHIEF MEDICAL EXAMINER OR THEIR DESIGNEE.**”

AMENDMENT NO. 2

On page 5, in line 18, strike “**30**” and substitute “**180**”.