



## TESTIMONY IN SUPPORT OF SB 36

**TO:** Members of the Senate Judicial Proceedings Committee

**FROM:** Center for Criminal Justice Reform, University of Baltimore School of Law

**DATE:** February 6, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address harm and inequity in the criminal legal system, and we are grateful for this opportunity to submit testimony in support of Senate Bill 36.

The data surrounding in-custody deaths is chilling. Over 80% of people who died in custody were *awaiting* trial.<sup>1</sup> Moreover, according to one study, more than half of in-custody fatalities occurred within 10 days of being detained, and one in six of those deaths occurred less than 24 hours after the initial detention.<sup>2</sup> Glaringly, the jails with the most in-custody deaths are in jurisdictions with high rates of poverty and large proportions of Black residents.<sup>3</sup> Indeed, the data suggests that Black and low-income residents are particularly at risk of in-custody death.

In light of the tragic evidence of unacceptably high rates of in-custody death and the disproportionate impact they have on our most vulnerable communities, it is critically important to establish a balanced Oversight Board to analyze and make findings and recommendations related to deaths of incarcerated individuals. In fact, just this week the American Bar Association adopted a resolution urging states “to ensure that there is an independent investigation into the cause of any death that occurs in a correctional institution or in the custody of law enforcement.”<sup>4</sup>

A fundamental challenge to combatting in-custody deaths is the difficulty in gathering information. Inadequate reporting practices, inconsistent record keeping, and high barriers to public access of key information prevents meaningful reform and accountability. Moreover, the lack of transparency around in-custody death data undermines the public’s faith in the criminal legal system, denies family and community members the right to know what happened to loved ones, and prevents public oversight of a moral and legal responsibility of government.

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<sup>1</sup> Robert, A. (2024, February 5). “Prisons Are Often Horrible Places”: How can death in custody reporting act be better enforced? ABA Journal, <https://www.abajournal.com/web/article/Prisons-are-often-horrible-places-how-can-death-in-custody-reporting-act-be-better-enforced>.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> See *Midyear Meeting 2024 - Resolution 506*. American Bar Association, [https://www.americanbar.org/news/reporter\\_resources/midyear-meeting-2024/](https://www.americanbar.org/news/reporter_resources/midyear-meeting-2024/)

Senate Bill 36 represents an important step towards identifying and rectifying the primary causes of in-custody deaths while safeguarding the well-being and dignity of those in custody. By enacting this legislation, Maryland can set a national precedent by demonstrating a firm commitment to public transparency and accountability, while also reducing the number of in-custody deaths through improved adherence to established procedures and policies.

For these reasons we urge your favorable report on SB 36.