



February 2, 2024

Dear President Senator Will Smith and Chairman Delegate Luke Clippinger

Sponsors: Senator Benson and Delegate Simmons,

Re: Maryland Deaths in Custody Oversight Board SB036 partnered bill HB565

We, the undersigned organizations, write in support of Senate Bill 36 and House Bill 565. There is an ongoing national epidemic of in-custody deaths in the United States, and the crisis in Maryland is particularly acute. According to data that was belatedly released by the Maryland Department of Public Safety and Correctional Services only a few weeks ago—in response to a Maryland Public Information Act request filed in Civil Rights Corps in 2022—approximately 885 people died while in state custody from January 2009 to March 2023.

This outrageous number can be contextualized by a recent report from the UCLA BioCritical Studies Lab, Civil Rights Corps, and Helping Ourselves to Transform, which analyzed a sample of 180 self-reported deaths in 10 city and county jails in Maryland between 2008 and 2019—a number that represents only a small portion of the total in-custody deaths in this period, which estimated to be over 1,000. The findings are staggering:

- The **majority of people—over 80 percent—who died in custody were awaiting trial**, meaning they had not been convicted of any crime at the time of their death.
- Almost half of the people in the study sample died within 10 days of being detained in jail. **More than 1 in 6 died within one day**. These findings suggest that any length of pretrial detention in Maryland could mean a potential death sentence for many people.
- The jails with the most in-custody deaths are located in jurisdictions with both high rates of poverty and large numbers of Black residents. The strong correlation between these factors indicates that when detained, **Black and low-income Maryland residents are particularly at risk of in-custody death**.

The in-custody deaths crisis in Maryland presents major questions regarding basic constitutional protections for people awaiting trial. A system that confers potential death sentences onto people, many of whom have not been convicted of any crime, without due process is inhumane and undermines the basic principles of equal justice under law.



It is likely that many of these deaths result from use of force and neglect within the criminal legal system. At best, these findings demonstrate gross negligence from Maryland officials in ensuring jail conditions meet basic safety standards. At worst, they show remarkable complicity in systemic injustice and complete disregard for the sanctity of human life.

As advocates, as loved ones, and as members of the public, we have had limited access to information regarding these deaths, as underscored by the difficulty we have experienced in even obtaining the data mentioned above. It is clear that there is a major data and information transparency problem at the heart of the in-custody deaths crisis. Insufficient reporting practices, inconsistent record keeping, and high barriers to public access of key information regarding in-custody deaths prevent meaningful action and accountability. The lack of transparency around in-custody death data is a moral and administrative failure, denying family and community members of the fundamental human right to accurately determine the cause of death of a loved one, and only serves to further hide the full extent of the in-custody deaths crisis in Maryland from public view.

Senate Bill 36 and House Bill 565 offer a clear path forward. The legislation guarantees that pertinent details regarding individual in-custody deaths will be made accessible to the public, identifying and rectifying the primary causes of such deaths while safeguarding the well-being and dignity of those in custody. In addition, the legislation will establish an independent Oversight Board that will conduct thorough reviews of all in-custody deaths in Maryland, provide recommendations for preventing similar deaths, and oversee the implementation of these suggestions.

We believe that by enacting this legislation, Maryland can set a national precedent by demonstrating a firm commitment to public transparency and accountability, as well as reducing the number of in-custody deaths through improved adherence to established procedures and policies. The in-custody death crisis in Maryland requires immediate political intervention, and state and local leaders have a moral responsibility to protect the lives of people in custody. For many Maryland residents, this is literally a matter of life and death.

For these reasons, we urge you to support Senate Bill 36 and House Bill 565. Thank you for your time.

Sincerely,



Helping Ourselves to Transform



Civil Rights Corps



The BioCritical Studies Lab



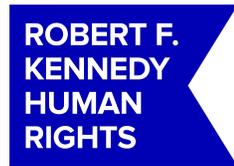
Life After Release



Zealous



Color of Change



Robert F. Kennedy Human Rights



University of Baltimore Center for Criminal Justice Reform



ACLU Maryland



Maryland Alliance for Justice Reform



Maryland Office of the Public Defender



Progressive Maryland



Public Justice Center



**No Struggle
No Success**



Texas Jail Project



ALC Court Watch



**East Baton Rouge
Parish Prison
Reform Coalition**



P.R.E.A.C.H.