
TESTIMONY IN SUPPORT OF HOUSE BILL 565
Maryland Deaths in Custody Oversight Board
Judiciary
March 7, 2024

Dear Chairman Clippinger and members of the House Judiciary Committee,

Social Work Advocates for Social Change strongly supports HB 565, which will establish the Maryland Deaths in Custody Oversight Board to analyze and make findings and recommendations related to deaths of incarcerated individuals. The Board established by this legislation will be required to include members with relevant professional backgrounds, community members, and formally incarcerated individuals. HB 565 will improve the safety and quality of facilities run by the Department of Public Safety and Correctional Services (DPSCS) by identifying ways to reduce preventable deaths of individuals in custody, protect the constitutional rights of individuals in custody, and ensure that proposed solutions are taking consideration of the lived experience of incarcerated individuals.

HB 565 will reduce the number of preventable deaths that occur in custody. Most deaths that occur in custody in Maryland happen within the first 10 days of being in jail.¹ The Deaths in Custody Oversight Board will provide critical data analysis for improving the overall policies and practices of DPSCS to reduce the number of individuals that die in custody. The main causes of death in custody are natural (illness), suicide, and drug or alcohol overdose.² These causes are highly preventable if proper interventions based on an understanding of the needs of the institutions and the individuals are implemented.

HB 565 will protect the Sixth Amendment of incarcerated individuals. Over 80% of individuals incarcerated in Maryland jails were being held for pre-trial detainment in 2023.³ A recent study found that of the 180 deaths that occurred in custody, 85% of those individuals were in pre-trial detainment.⁴ Any person that dies prior to their

¹ Silverman, E., & Hilton, J. (2023, September 29). Study of Md. in-custody deaths finds many occur in first 10 days in jail. *Washington Post*. <https://www.washingtonpost.com/dc-md-va/2023/09/29/md-jails-in-custody-deaths-report/>

² Johnson, C., Keel, T., Li, A., Robinson-Sweet, A., Rossi, E., Sosa, G., & Walters, J. (2023). In-Custody deaths in ten maryland detention centers, 2008-2019. <https://www.ucla.edu/>, 6. <https://ucla.app.box.com/s/zdrks72p1bja1n6pow7c4rtplnxs0h/file/1284212661129>

³ *Local Detention Center Population Statistics Dashboard - Governor's Office of Crime Prevention, Youth, and Victim Services*. (2022, October 31). Governor's Office of Crime Prevention, Youth, and Victim Services. <https://goccp.maryland.gov/data-dashboards/local-detention-center-dashboard/>

⁴ Johnson et al. (n 2) 5



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sentencing, especially when the loss of life could have been prevented through reasonable actions or policies of DPSCS, has been denied their full Sixth Amendment rights. It is the duty of the State government to take every reasonable action to protect the Constitutional Rights of all citizens in their care.

HB 565 will prevent wrongful death lawsuits, saving the state significant funds. The death of Anton Black in 2019 resulted in the state paying \$235,000 as part of a wrongful death settlement.⁵ Without external oversight, the state increases the risk of similar costly lawsuits for the deaths of incarcerated individuals. The board established by this legislation will address systemic issues, reducing the likelihood of such lawsuits, and protect both lives and the state's financial interests.

HB 565 values the input of individuals with lived experience. The requirement of having at least 2 formally incarcerated individuals and 2 family members of incarcerated individuals on the board ensures that firsthand perspective is considered when developing the recommendations for DPSCS. The input of these members will provide insight into what aspects of our correctional facilities are going unaddressed when it comes to the wellbeing and safety of individuals in custody.

Every preventable death of an incarcerated individual is a failure of the State to protect the life and liberty of its citizens. For there to be justice in our correctional system every person that is held in custody must have the best opportunity to survive from the moment they enter a jail to the day they have finished their sentence. **Social Work Advocates for Social Change urges a favorable report on HB 565.**

Sincerely,
Social Work Advocates for Social Change
Baltimore, MD

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁵ Wiggins, O. (2023, November 9). Maryland settles in suit involving medical examiner's office. Washington Post. <https://www.washingtonpost.com/dc-md-va/2023/11/08/anton-black-medical-examiner-settlement/>