

TESTIMONY OF JADE ALICE EATON
IN SUPPORT OF HOUSE BILL 565
“Maryland Deaths in Custody Oversight Board”

I am Jade Eaton and I live in Greenbelt Maryland. My testimony focuses not on oversight for the state-run prisons, but for deaths of people held in local county detention centers. 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. Indeed, in each month of 2022, on average, 90% of all people held in Prince George’s County jails were being held before their trial. They have not been convicted or even had their day in court.* If not released on bond, they will spend weeks or months in a county detention center before their trials. These local jails 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*. This report is the result of research by Prof Terrence Keel and the BioCritical Lab at UCLA in collaboration with Civil Rights Corp and Courtwatch PG. 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 on which the study substantially relied. I refer you to the detailed report and to Professor Keel’s testimony filed with this Committee.

I participated in a smaller project of Courtwatch PG to research deaths in jails in Maryland since 2021. We found

- 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 detention 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 were forced to attempt to collect information ourselves, through sending each separate county a Maryland Public Information Act Request.
- Responses, when we received any, showed **no consistency among the localities in what information they record on inmate deaths or how they record or maintain it.**

And that is why I am submitting this testimony.

I know now that the people I hear our courts place in custody before trial go not only into a cell but **into an information black box**. County jails are not systematically accountable to report the circumstances of any death on their watch. Who is overseeing deaths in the jails? Where is the information that would allow for accountability? How can legislators responsible for criminal justice even alerted to any need for reform or responsibility?

The lack of accurate public 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.

House Bill 565 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, including in local detention facilities.
- Outlines the **composition of the Board to assure its independence** and 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 prohibits interference** with certain law enforcement investigations.

To me this is the least that my State can do to respect the humanity of a person who dies away from family and community in State custody. It provides the minimum responsible level of state oversight of local detention centers. It ensures that there will be answers for the families of all 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. The HB565 Oversight Board will help ensure that it isn't.

Respectfully Submitted

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* <https://goccp.maryland.gov/data-dashboards/local-detention-center-dashboard>

** <https://www.latimes.com/california/story/2024-02-02/death-in-custody-interview>.