



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211  
Phone: 410-727-6352 | Fax: 410-727-6389  
[www.DisabilityRightsMD.org](http://www.DisabilityRightsMD.org)

## HOUSE JUDICIARY COMMITTEE

### House Bill 565: Maryland Deaths in Custody Oversight Board

Date: March 7, 2024

Position: Support

Disability Rights Maryland (DRM) is the state-designated Protection and Advocacy agency authorized under the Protection and Advocacy for Individuals with Mental Illness Act and the regulations thereto to protect and advocate for the rights of individuals with mental illness. DRM has worked to document serious issues in state correctional facilities and advocate for improved conditions, particularly in restrictive housing units. We have toured facilities across the state, reviewed thousands of pages of records, met with wardens, engaged with administrators and representatives of the Department of Public Safety and Correctional Services (DPSCS), and communicated with both incarcerated individuals and correctional staff throughout the State. As a result of our investigations, DRM filed *DRM v. Green*, Case No. 1:21-cv-02959-MJM in the fall of 2021, alleging that DPSCS's excessive use of restrictive housing for individuals with serious mental illness and failure to provide adequate treatment to those individuals violates the Constitution, the Americans with Disabilities Act, and the Rehabilitation Act. Our testimony is informed by what we have learned through this work and from those who are directly impacted.

DRM supports the HB 565's proposed creation of a Deaths in Custody Oversight Board within the Governor's Office of Crime Prevention, Youth, and Victim Services. The Board would be tasked with reporting on deaths and custody, as well as analyzing and making findings and recommendations related to deaths of incarcerated individuals. DRM is concerned about the level of violence within our state prison facilities and accurate reporting of deaths by suicide, particularly in restrictive housing and involving individuals with serious mental illness. We have continued to receive complaints from incarcerated individuals and their families about these issues. Although we believe that staff shortages, lack of appropriate mental health services and programming, frequently cancelled out-of-cell time for recreation, showers, socialization, and failure to address known safety risks all play a role, it is essential that a knowledgeable agency collect data and analyze and make findings and recommendations for improvements. DPSCS' most recent Restrictive Housing Report<sup>1</sup>, for example, identified that a sizeable percentage of

---

<sup>1</sup> FY 2022 Restrictive Housing Report, available online at [https://goccp.maryland.gov/wp-content/uploads/COR-%C2%A7-9-614b\\_-GOCPYVS\\_-Restrictive-Housing-2022-Report-MSAR-12654.pdf](https://goccp.maryland.gov/wp-content/uploads/COR-%C2%A7-9-614b_-GOCPYVS_-Restrictive-Housing-2022-Report-MSAR-12654.pdf).

incarcerated individuals kept in Restrictive Housing for “other” reasons were there because they were on suicide watch. DPSCS also reported that in FY 2022, there were five suicides of individuals in restrictive housing. The recent amendments to HB 565’s cross file bill, SB 36, do not address these significant needs and should be rejected.

Please contact Luciene Parsley, Litigation Director at Disability Rights Maryland, with any questions. She can be reached at [LucieneP@DisabilityRightsMD.org](mailto:LucieneP@DisabilityRightsMD.org) or at 443-692-2494.