

WRITTEN TESTIMONY SUPPORTING

SB0036 and partnered bill HB565

Maryland Deaths In-Custody Review Board

To: Sponsors of the bill, Senator Benson-SB0036 and Delegate Simmons-HB565

Date: February 2, 2024

My name is Elizabeth P. Wheaton, M.D. and I am a Maryland resident.

I am a retired physician and a volunteer for, Courtwatch PG, an organization that monitors bail hearings in Prince George's County. We work to ensure that defendants are awarded their rights during these hearings. We document comments and actions on the part of the judges and attorneys that interfere with the defendants' rights to a fair trial, and we detail this information in accountability letters that we send to key players such as the judges and attorneys who participate in the hearings as well as the chief of police and attorney general of the county.

I am also the Medical Advisor for Helping Ourselves to Transform, an organization that works on behalf of reentry needs of incarcerated and formerly incarcerated individuals. Based on these two volunteer efforts, I have become much more aware in the past two years of the negative effect the criminal justice system can have on an individual awaiting trial or following conviction.

I am supporting **SB036/HB565** because too many people die in jail with no State accountability. This fact is consistent with the lack of medical attention paid to defendants that we witness almost daily during the bail hearings. An oversight board to review Maryland in-custody deaths would shine a light on the lack of procedures and solutions in Maryland detention centers that increase the risk of death for individuals prior to being undergoing trial.

This legislation intends to address the high number of in-custody deaths in detention centers in the state of Maryland by the establishment of a review board and by a clear outline of this board's specific areas of oversight. An important study conducted by a collaboration of DMV-based non-profit organizations

and the Biocritical Studies (BCS) Lab at the University California-Los Angeles outlines the glaring statistics regarding in-custody deaths in Maryland detention centers, in particular, deaths in the pre-trial period. Some of these statistics include:

- Detention centers with the most in-custody deaths in the study sample are in jurisdictions with high rates of poverty and large numbers of Black residents;
 - The average age of in-custody deaths in the study officially designated as “natural” is substantially lower than the life expectancy of the non-jailed population, possibly indicating misclassification attributable to violence and/or negligence as “natural” by the Maryland Office of the Chief Medical Examiner;
 - Over 80% of the deaths in this study took place while the individual was in the pretrial process, meaning they had not been convicted of any crime at the time of death;
 - Of those who died, about half died within the first 10 days of being detained while a sixth died within the first day;
 - There currently exist high barriers preventing public access to key information regarding deaths in Maryland detention centers.
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For these reasons, I urge you to pass these bills so that there can be more transparency for the public and specific action plans that can be taken to address in-custody deaths at specific detention centers.

Thank you for your time and I strongly hope that this legislation is passed into law.

Elizabeth P. Wheaton, M.D.,

Medical Advisor and Board Member, Helping Ourselves To Transform; volunteer,
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