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POSITION ON PROPOSED LEGISLATION

BILL: HB0565 Maryland Deaths in Custody Oversight Board

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 03/07/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 0565.

I was not yet an attorney, when my father passed away. I was just beginning my final semester of law school in January, 2020. At that time, I had no plan. Friends, colleagues, and peers were all arranging internships, externships, partnerships, relationships, and celebratory vacations on cruise ships. I was just looking forward to calling myself, 'an attorney.' At that time in my life, I did not know the kind of law that I wished to practice. By the end of that holiday season, I had grown tired of fielding that particular question. But, that holiday season was the last time that I would see my father alive.

My father was convicted of a first offense Driving While Impaired by any Controlled Dangerous Substance, colloquially referred to as a DWI. He was sentenced to one (1) year, suspend all but twenty (20) days. He was graciously granted the opportunity to delay turning himself into the local detention center, in order to make arrangements related to his employment as a tradesman. The sentencing judge also took into account the approaching holidays, allowing my father to turn himself in following the observation of Christmas. My father immediately turned himself in, as required by the court.

I never saw my father again. William Rodger Wines, lovingly referred to by my mother as Roger, passed away on January 9, 2020. He was in the entrusted custody of the state at that time. An inmate, serving a nominal active sentence at a regional detention center. A soul in a cell. His cause of death was suspected and then later confirmed to be the result of an overdose. Cocaine and Fentanyl. Determined to be an accidental overdose, as if that were any consolation. I was informed of his passing about eight hours after he was pronounced dead at the local medical center. He died alone.

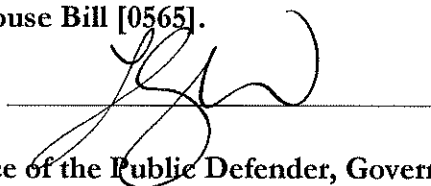
The World fell apart after that. I didn't see my father's corporeal form again for months. And, thanks to the quarantines and travel restrictions of the Covid-19 Pandemic, none of us saw much of anyone's corporeal forms for quite some time. The day after his death, I picked up a banker's box filled with my father's possessions from the detention center where he died. The box included his signature white Nike sneakers, long john-style thermal underpants, an empty billfold, and the well-worn, folded-brim Dallas Cowboys ballcap hanging from the coat rack of my office at 81 West Washington Street.

We buried my father on June 5, 2021. 513 days after his death. About one and a half years. Because my father died in state custody, his body was no longer his, but it was also not yet mine to claim. The state maintained possession of my father's body for months, as they investigated both the nature of his death, but also the circumstances surrounding the events of his death. The only correspondence that I ever received between my father's death and his funeral was an invitation to collect my father's body, once it had been pieced back together by an agent of the state's Chief Medical Examiner.

The proposed Maryland Deaths in Custody Oversight Board would not just provide grieving families with some sense of closure, but it would also provide the public with the transparency required to establish and instill trust in our criminal legal system. The Board is a necessary step in transitioning public opinion away from a carceral system of injustice and into a reformatory system of justice. The Board would humanize the very human prisoners that have died at the mercy of corrections. And, the Board would help to mitigate the trauma of these deaths in an appropriate and timely manner.

I became a Public Defender, despite and in spite of my father. I advocate for those who may inevitably end up committed to the Division of Corrections. But, I also advocate for their families, their friends, their reputations, and their rights necessary to live, and eventually die, with dignity. In the Great State of Maryland, we do not believe that any sentence should be a Death Sentence. Yet, when you lose a loved one while they are incarcerated, you quickly realize that any sentence could be a Life Sentence.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill [0565].

A handwritten signature in black ink, appearing to read 'Lance Gunner Wines', is written over a horizontal line. The signature is fluid and cursive.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

**Authored by: [Lance Gunner Wines, Assistant Public Defender, Washington County,
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