



The BioCritical Studies Lab

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TO: Hon. Luke Clippinger, Chairman and members of the Judiciary Committee

SPONSORS: Delegate Simmons

FROM: Terence Keel, PhD

DATE: Hearing for March 7, 2024

My name is Terence Keel and I am Professor of Human Biology & Society at the University of California, Los Angeles. I am also the Director of the UCLA Lab for BioCritical Studies. We use data science, public health research, and legal analysis to measure the impact of structural violence on the life expectancy of vulnerable populations throughout the United States. My comments today are in support of the Maryland Deaths in Custody Transparency, Reporting, and Oversight Act (HB36).

For the last four years I've led a team of researchers who have studied in-custody deaths around the nation. What we have learned is that law enforcement in the United States shorten the lives of more people than police in Canada, Germany, Australia, New Zealand, England and Wales combined. In-custody violence and death in America is disproportionately concentrated among people of color, low-income neighborhoods, and unhoused populations. This crisis is felt not only on the streets of America but within our carceral facilities and detention centers, with many dying as wards of the state and often before trial.

As you might be aware, since the late 1970s, over-policing of Black populations throughout Maryland has resulted in their disproportionate contact with law enforcement and overrepresentation within the Maryland jail system. [In August of 2023 my lab released a collaborative report](#) with the nonprofit organizations Helping Ourselves to Transform, Civil Rights Corps, Life After Release, and Zealous. We evaluated the deaths of 180 people who died in 10 Maryland detention centers between 2008-2019. We discovered that the detention centers with the most instances of in-custody death are situated in counties with high rates of poverty and large numbers of Black residents. ***Over 80% of the 180 identified cases took place while the decedent was awaiting trial***, meaning that they had not been convicted of a crime at the time of death. ***Half of the people in our study sample died within 10 days of being admitted to the detention***

center or jail facility. Also, 84 out of 180 deaths, approximately 46%, were classified as natural deaths which was by far the most common cause in our study. The second most common cause of death in our study were suicide, with 72 recorded in our study making up 40% of the causes we observed. *Homicides, however, were the least common cause of death with only 5 observed*, (or approximately 2%) of the total cases in our study.

The federal Death in Custody Reporting Act (DCRA) was intended to collect data on the number and causes of deaths that occur among those in the custody of law enforcement and correctional institutions (Death in Custody Reporting Act of 2013). However, this data relies on the voluntary reporting by law enforcement, which is often incomplete, inaccurate and ultimately unreliable as a measure of the number and causes of deaths in custody.

In the state of Maryland, access to information concerning in-custody death is hindered by the absence of uniform reporting mandates and data gathering practices. Access is also limited by the ability of law enforcement to delay and deny the public disclosure of death investigation records and related police investigation files. This lack of transparency creates opportunities for bias, undue influence from police and correctional institutions, and misclassifications during death investigations conducted by medical examiner-coroners. From our analysis, Maryland ranks in the top 10 states for reported in-custody deaths; we believe a great deal more cases would be revealed if state law provided clearer directives for reporting and investigating in-custody deaths during arrest and while in the custody of law enforcement. Improved investigations would also enable more accurate data on the causes of such deaths. The Maryland Deaths in Custody Transparency, Reporting, and Oversight Act looks to solve this problem by establishing clear oversight and reporting mandates for in-custody deaths. It will also help protect the lives of people taken into custody, restore public trust in the criminal legal system, and place the state of Maryland in step with California ([AB 2761](#)) and Illinois ([HB3924](#)), which have recently passed similar acts mandating more oversight and reporting of in-custody deaths. The residents of this great state deserve a legal system built on integrity, transparency, and accountability.

Respectfully,

A handwritten signature in black ink, appearing to read "Terence Keel". The signature is fluid and cursive, with a large initial "T" and "K".

Terence Keel PhD
University of California, Los Angeles