

WRITTEN TESTIMONY SUPPORTING

SB36 and partnered bill HB565

Maryland Deaths in Custody Oversight Board

February 1, 2024

Dear Sponsor Senator Benson and Delegate Simmons,

I'm Roland Carter from Upper Marlboro, Maryland. I've heard of preventable death in prisons. That's why I strongly support SB036 and HB565. These bills address the ongoing crisis of deaths in custody, often caused by unnecessary force and neglect within the criminal justice system. It's concerning that the U.S. government lacks accurate data on these deaths, representing both a moral and administrative failure. This lack of information hinders policymakers, researchers, and advocates from making necessary changes to prevent future in-custody deaths.

In Maryland, in the past 14 years 885 plus individuals died in the Department of Corrections, and 180 deaths occurred in 10 county detention centers from 2008 to 2019 in Maryland. It's essential to note that county detention centers mainly house individuals awaiting trial, many of whom have died in custody before their trials. We urge Maryland to lead by example, prioritizing transparency and accountability, aiming to reduce in-custody deaths by enhancing compliance with established procedures and policies.

SB36/HB565 aims to enhance transparency and accountability within Maryland's custody system. It ensures that crucial information regarding in-custody deaths becomes publicly accessible. The bill identifies and addresses the root causes of such deaths while protecting the well-being and dignity of those in custody. It establishes an independent Oversight Board to conduct thorough reviews of all in-custody deaths, issuing detailed reports on the circumstances of each fatality. The Oversight Board will also provide recommendations for preventing future deaths and oversee their implementation.

The agency responsible for an individual in custody is mandated to promptly notify the Oversight Board within a certain amount of time of the person's death. This notification should include specific information about the deceased individual, encompassing their name, birth date, gender, race, and ethnicity. The Oversight Board will carefully analyze each case, providing conclusions and recommendations regarding the individual's death. The notification should include a comprehensive description of the circumstances surrounding the death and the reason for the person's detention.

This bill defines "In-custody death" as any fatality that occurs while an individual is detained, under arrest, during an arrest attempt, while being transported by law enforcement or correctional officers, in an institution's infirmary or hospital under the custody of law enforcement and correctional officers, during a pursuit by a government official in a motor vehicle, or while incarcerated in various types of facilities within Maryland that detain individuals on behalf of Immigration and Customs Enforcement.

Sincerely,

Roland Carter, IBEW

202-279-1758



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



www.MA4JR.org

Annapolis Friends Peace and Justice Center
351 Dubois Rd., Annapolis, MD 21401
info@ma4jr.org

**House of Delegates Judiciary Committee
Wednesday, March 7, 2024
Testimony in support of HB565:
Maryland Deaths in Custody Oversight Board**

My name is Judith Lichtenberg. I am testifying on behalf of the Maryland Alliance for Justice Reform (MAJR), where I serve on the executive committee and co-chair its Behind the Walls Workgroup. I have lived in Hyattsville/University Park (District 22) for forty years and am professor emerita of philosophy at Georgetown University. Since 2016, I've been teaching, tutoring, and mentoring at Jessup Correctional Institute, Patuxent Institution, and the DC Jail, where I have gotten to know many incarcerated people well and have learned much about what happens behind the walls.

The Maryland Alliance for Justice Reform (MAJR) urges a favorable vote on HB565, which would create an oversight board to analyze findings and make recommendations concerning the deaths of incarcerated individuals in Maryland jails, prisons, and detention centers. For each such death, the oversight board would be required to produce an administrative and clinical mortality review within 30 days of death and publish its findings. Independent reviews would be conducted for every death determined to be a suicide or to result from a mental health crisis.

The death penalty in Maryland was outlawed in 2013. But a disproportionate number of incarcerated people die in Maryland carceral institutions. A recent study found that the average age of in-custody deaths officially designated as natural causes was substantially lower than the general population, and the highest number of deaths occur in jurisdictions with both high rates of poverty and large numbers of Black residents. Moreover, four out of five people in the study sample who died were detained pre-trial: they had not been convicted of any crime.

U.S. prison deaths soared by 77% during the height of the pandemic—more than three times the increase in the general population. Incarcerated men and women witnessed others get sick and die, with little or no publicity; people became fearful that their own deaths would go unreported and even unnoticed. Such distrust grows when medical examiners misclassify in custody deaths attributable to violence and neglect as

“natural.” So it is important that the medical examiner conduct thorough autopsies for all in-custody deaths to accurately determine the cause and manner of death, and that these conclusions be made public. This bill would assure that this procedure would be followed.

For these reasons, MAJR urges a favorable report on HB565.

Respectfully,

Judith Lichtenberg

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THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

SUPPORT FAVORABLE

HB 565

Delegate Simmons

Maryland Deaths in Custody Oversight Board

POSITION

SUPPORT

This bill creates a Custody Oversight Board to make findings and recommendations related to deaths of incarcerated individuals and requires the Department of Public Safety and Correctional Services to provide information to the Board.

Prince George's County Council strongly supports this bill.

The County Council supports this bill because it addresses the crisis of deaths occurring in custody. In Maryland alone, from **January 2009 to March 2023, approximately 885 individuals lost their lives within the Department of Corrections.** Many of these tragic incidents resulted from the unnecessary use of force and neglect within the criminal legal system. We want Maryland to possess accurate data on the annual number of deaths in custody and the causes. The absence of clear, accessible information hampers the ability of policymakers, researchers, and advocates to instigate meaningful changes aimed at reducing preventable in-custody deaths. We want Maryland to set a precedent by demonstrating a commitment to transparency and accountability, with the goal of reducing in-custody deaths through improved adherence to established procedures and policies.

For the foregoing reasons, Prince George's County Council respectfully requests the Committee's favorable consideration of the legislation.

Prepared by: Barnes International on behalf of Prince George's County Council.

Wayne K. Curry Administration Building – Upper Marlboro, Maryland 20772

February 6, 2024

To whom it may concern; My name is Tyrone Davis-Bey. I am a Social Worker in Workforce Development. I also work closely with the mental health population regarding training, Ability One programming and job placement.

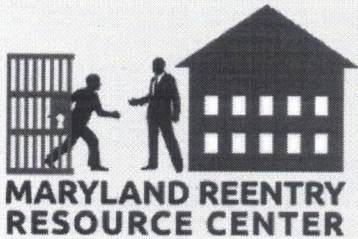
I am writing this letter today in vigorous support of **SB036** and **HB565**. I am aware that the number of deaths of currently incarcerated individuals in the Maryland prison system has risen over the years. There is very little often mentioned about this detrimental problem. How often does it happen and why. What patterns are being derived of its cause. What measures of prevention are being installed. What levels of post trauma methods are being asserted. Most importantly what entity can be developed and imported to gather all the aforementioned information and devise a way to bring to light and curb this level of individual dying in our prisons.

It is for these reasons that I emphatically yet humbly request the House and Senate to establish an "Oversight Committee" that will provide transparency among this issue and related issues as it pertains to the Maryland Prison system. Corrective behavior is one thing. Confinement is another. Death however is another level of finality that no currently incarcerated individual and their family deserve to experience. It is wrong it is unjust it is unacceptable.

Thanks for your time and consideration in this most timely and important matter.

Respectfully and sincerely submitted,

Tyrone Davis-Bey



February 1, 2024

Maryland Reentry Resource Center
Vanessa Bright, Executive Director
77 West St. Suite 110
Annapolis, MD 21401

Senator Benson
James Senate Office Building, Room 201
11 Bladen St.,
Annapolis, MD 21401

Delegate Simmons
152 Lowe House Office Building
6 Bladen Street
Annapolis, MD 21401

Subject: Support for Maryland Senate Bill 36 and House Bill 565 - Maryland Deaths in Custody Oversight Board

Dear Senator Benson and Delegate Simmons:

I am writing to express my strong support for Maryland Senate Bill 36 and House Bill 565, both of which seek to establish the Maryland Deaths in Custody Oversight Board within the Governor's Office of Crime Prevention, Youth, and Victim Services. I believe that the creation of this oversight board is crucial for analyzing and addressing the complex issues surrounding deaths of incarcerated individuals in our state.

It is evident that establishing a Deaths in Custody Oversight Board is a necessary step towards ensuring transparency, accountability, and fairness within our correctional system. The Board's role in analyzing and making findings and recommendations related to deaths in custody will contribute significantly to the improvement of policies and practices within the Department of Public Safety and Correctional Services.

I appreciate the foresight of the legislators in recognizing the need for an independent body to scrutinize incidents of deaths in custody. The establishment of specific requirements for the Department of Public Safety and Correctional Services to provide information to the Board is a crucial aspect of ensuring the Board's effectiveness in its oversight role.

By supporting Maryland Senate Bill 36 and House Bill 565, we are taking a significant step towards a more just and accountable criminal justice system. The Maryland Deaths in Custody Oversight Board will not only serve the interests of justice but will also help build public trust in the institutions responsible for the care and custody of individuals within our correctional facilities.

I urge you to advocate for the passage of these bills and contribute to the establishment of the Maryland Deaths in Custody Oversight Board. Your support for this legislation is vital in addressing the critical issues surrounding deaths in custody and promoting a fair and transparent criminal justice system in our state.

Thank you for your attention to this matter, and I look forward to seeing positive developments in the reform of our state's correctional system.

Sincerely,

Vanessa Bright
Vanessa Bright

Call
410-429-0107

Message
admin@mdrrc.org

Office Address
77 West Street, Suite 110,

WRITTEN TESTIMONY SUPPORTING - 2-14-2024

SB36 partnered **Bill HB565- Maryland Deaths in Custody Oversight Board**

TO: **Chairman Delegate Clippering**, Chairman Senate Smith and Sponsor of the bill Senator Benson-SB0036 and **Delegate Simmons - HB565**

I am an impacted person and a Court watcher in Prince George's County Maryland. I strongly support SB036/HB565 because it addresses the longstanding and ongoing national crisis of deaths occurring in custody. Many of these tragic incidents result from unnecessary use of force and neglect within the criminal legal system. It is disheartening that the United States Government does not possess accurate data on the annual number of deaths in custody, which is both a moral and administrative failure. The absence of clear, accessible information hampers the ability of policymakers, researchers, and advocates to instigate meaningful changes aimed at reducing preventable in-custody deaths.

- In Maryland alone, from January 2009 to March 2023, approximately 885 individuals lost their lives within the Department of Corrections, and there were 180 deaths recorded in 10 county detention centers from 2008 to 2019. These figures underscore the nationwide scope of the issues. It's worth noting that county detention centers differ from state correctional facilities in that they primarily house individuals awaiting trial or arraignment. This means that a lot of these people have died in custody before a trial. We want Maryland to set a precedent by demonstrating a commitment to transparency and accountability, with the goal of reducing in-custody deaths through improved adherence to established procedures and policies.

SB36/HB565 is designed to ensure transparency and accountability within Maryland's custody system. It aims to guarantee that when an individual dies while in custody, the pertinent details become publicly accessible. The bill further strives to pinpoint and rectify the primary causes of such deaths while safeguarding the well-being and dignity of those in custody. To achieve these objectives, the bill proposes the establishment of an independent Oversight Board. This Oversight Board will conduct thorough reviews of all in-custody deaths in Maryland, issuing detailed reports that elucidate the circumstances leading to each fatality. In addition to these reports, the Oversight Board will furnish recommendations for preventing similar deaths and oversee the implementation of these suggestions.

The agency responsible for an individual in custody is mandated to promptly notify the Oversight Board within a certain amount of time of the person's death. This notification should include specific information about the deceased individual, encompassing their name, birth date, gender, race, and ethnicity. The Oversight Board will meticulously analyze each case, drawing conclusions and offering recommendations concerning the individual's death. Furthermore, the notification should contain a comprehensive description of the circumstances surrounding the death and the rationale behind the person's detention. This bill reflects "In-custody death" to encompass any fatality occurring while an individual is detained, under arrest, during an arrest attempt, while being transported by law enforcement or correctional officers, within an institution's infirmary or hospital under the custody of law enforcement and correctional officers, during a pursuit by a government official in a motor vehicle, or while incarcerated in various types of facilities within the state of Maryland that detain individuals on behalf of Immigration and Customs Enforcement. Thank you for your time in this matter and I hope that this needed bill is voted on and passed into law.

Alyima Williams

Alyimawilliams2725@gmail.com

Support testimony for SB036 and HB565
Maryland Deaths in Custody Oversight Board
Vote FAVORABLE

Dear President - Senator Will Smith
Senate Bill: 036

Dear Chairman - Delegate Luke Clippinger
House Bill: 565

Hello my name is Natascha Levine,

As a dedicated resident of Montgomery County, Maryland, and a first-year student at Oberlin College majoring in Law and Justice, I bring a unique perspective to the urgent issue of in-custody deaths. My current internship with Helping Ourselves to Transform, under the guidance of Dr. Carmen Johnson, has further deepened my commitment to addressing this critical social issue.

I am compelled to voice my steadfast support for Senate Bill 0036 and House Bill 565, landmark legislation designed to confront and dismantle the systemic injustices leading to an unacceptable number of in-custody deaths. These bills shine a light on the intricate nexus of class, race, and social inequities that underpin the ongoing crisis of in-custody deaths, particularly in Maryland, where the frequency of such tragedies is not only alarming but also indicative of a broader, systemic failure.

The grim reality of in-custody deaths in Maryland—reflective of a national epidemic—underscores a glaring oversight in our legal and correctional systems, characterized by a lack of accountability and a disregard for the lives of those most vulnerable to systemic oppression. Senate Bill 0036 and House Bill 565 propose critical measures to address these issues head-on, advocating for a comprehensive review and reform of the policies and practices that have perpetuated this cycle of loss and injustice.

The enactment of this legislation is more than a procedural necessity; it is a moral imperative to uphold and protect the human rights of all individuals within the carceral system. The persistent pattern of in-custody deaths is a stark reminder of the urgent need for reform—a call to action that cannot be ignored.

The passage of Senate Bill 0036 and House Bill 565 represents a pivotal step toward rectifying the injustices that have long plagued our justice system. It is a necessary stride toward safeguarding the dignity, rights, and lives of incarcerated individuals in Maryland and beyond. As such, I urge all stakeholders to recognize the gravity of this issue and to support the passage of this critical legislation.

Thank you

Natascha Levine

nlevine1@oberlin.edu

WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

This is my written testimony in support of SB36/HB565. My name is DaMarqus Moore, and I reside in Maryland. I am a former juvenile lifer who spent 14 years in jail. I was fortunate to receive consideration for release through the Reentry Court in Maryland. Today, I am happily married with a young daughter, working diligently to provide for my family. Additionally, I serve as a peer-to-peer specialist at Helping Ourselves to Transform, a 501c3 organization. I visit various schools to share my story with the youth, offering them insight into why they must strive for better in their lives.

During my incarceration, I witnessed tragic incidents behind prison walls that are etched in my memory. I saw a man brutally stabbed to death by five individuals while he was working out in the yard. I witnessed a cellmate strangle another with a cable wire, and I heard a fellow inmate, who was on the verge of going home, get beaten to death in his cell, his lifeless body dragged along the tier with no one held accountable. I even saw someone hanging lifeless from their cell vent for a significant period.

I am firmly in support of SB036/HB565 because it confronts the enduring and ongoing crisis of deaths occurring in custody. Many of these heartbreaking incidents result from unnecessary use of force and neglect within our criminal justice system. It's disheartening that there is a lack of accurate data on deaths in custody, representing both a moral and administrative failure. Clear and accessible information severely hampers the ability of policymakers, researchers, and advocates to drive meaningful changes aimed at reducing preventable in-custody deaths. This oversight board will do just that. Bring understanding and accountability to lower the number of deaths in prisons and jails in Maryland.


DaMarqus Moore - 202-658-0568