

HB0565 - Support.pdf

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Position: FAV



PREPARE
PREpare for PARole and REentry

Anne Bocchini Kirsch
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HB0565 - Maryland Deaths In Custody Board - SUPPORT

We don't know what we don't know, and that is why I urge a favorable report on HB0565. Deaths in custody are something Maryland should be paying attention to, both for humanitarian and financial reasons. A primary one is the "Texas Two-Step" bankruptcy scheme deployed by Maryland health contractor Corizon, which is now Yes Care.¹ As Corizon collapsed, stories of medical neglect involving debilitating and fatal illnesses emerged, and in some cases the States that hired them may be forced to pay.

Corizon was the target of so many successful lawsuits and the guarantor of so many unpaid bills that it split into two companies, Corizon and Yes Care, leaving the bad debt on the Corizon side before declaring bankruptcy. While the Federal court system continues to sift through the legality of this action, Maryland continues to utilize Yes Care services to the peril of every incarcerated individual in the state.

But incarcerated individuals are not the only people suffering from Corizon/Yes Care's bad dealings. There are \$88 million of unpaid invoices, and the Arizona Department of Correction has spent over \$2 million defending itself from lawsuits on charges that Corizon should have handled, however because Corizon is a contractor for the State, the State is ultimately responsible and can be targeted by the civil suit as well. That means the State could very well end up paying Corizon and then ultimately paying the bills Corizon left unpaid, forcing the taxpayers to double pay each bill. There are also 44 employee lawsuits that include allegations of discrimination, wage theft, and wrongful termination. Corizon/Yes Care, like so many other private prison healthcare providers, has proven to be bad for everyone.

It is both unsafe and irresponsible to leave vulnerable lives like those of incarcerated individuals in the hands of a company like Corizon/Yes Care that has proven itself untrustworthy. Maryland should learn from Arizona's costly mistake and ensure proper oversight of its contractors immediately. HB0565 will make this happen, protecting individual lives and Maryland's financial future.

¹ Nicole Einbinder and Dakin Campbell, Hidden investors took over Corizon Health, a leading prison healthcare company. Then they deployed the Texas Two-Step., Business Insider, August 21, 2023, <https://www.businessinsider.com/corizon-health-bankruptcy-yescare-texas-two-step-law-2023-8?op=1>

PREPARE
PO Box 9738 Towson, MD 21284

Death in Jails Letter_Fitzpatrick Caitlin.pdf

Uploaded by: Caitlin Fitzpatrick

Position: FAV

March 1, 2024
Testimony of Caitlin M. Fitzpatrick
Volunteer, Courtwatch PG
5613 31st Ave
Hyattsville, MD 20782

For Senate Bill 36 and House Bill 565

My name is Caitlin Fitzpatrick and I am writing to express my wholehearted support for Senate Bill 36 and House Bill 565, both of which aim to establish the Maryland Deaths in Custody Oversight Board.

As a volunteer with Courtwatch PG and having observed bond hearings in Prince George's County, I have seen firsthand the urgent need for improved conditions and oversight in our state's correctional facilities.

Every incarcerated individual deserves to be treated with dignity, respect, and humanity. Yet, far too often, our correctional facilities fail to uphold these fundamental principles. Inadequate food, poor living conditions, lack of access to medical care, and neglect of mental health services are just a few of the glaring issues that plague our jails and prisons.

The heartbreaking reality is that lives are being lost due to these systemic failures. From 2008 to 2019, at least 13 individuals died in the Prince George's County jail, the majority of whom were pretrial detainees. These deaths, occurring even before the onset of the COVID-19 pandemic, underscore the urgent need for reform.

Senate Bill 36 and House Bill 565 offer a beacon of hope in the fight for justice and accountability. By establishing the Maryland Deaths in Custody Oversight Board, these bills seek to shine a light on the dark corners of our correctional system and hold those responsible for negligence and misconduct accountable.

The proposed board will conduct thorough administrative and clinical mortality reviews for every death of an incarcerated individual in the state. It will assess the quality of correctional staff, emergency response protocols, medical care, and mental health services, among other critical factors. Furthermore, the board will provide independent reviews for deaths determined to be suicides or occurring in conjunction with mental health crises.

Passing this legislation is not just a matter of bureaucratic procedure; it is a moral imperative. We cannot turn a blind eye to the suffering and injustice endured by those behind bars. It is our collective responsibility to ensure that every individual in custody is treated with the humanity and compassion they deserve.

I urge you to support Senate Bill 36 and House Bill 565 and to stand on the side of justice and accountability. Together, let us work towards a future where every life is valued and every voice is heard.

Thank you for your attention to this critical issue.

Respectfully submitted,
Caitlin Fitzpatrick

10 - HB565 Support letters.pdf

Uploaded by: Carmen Johnson

Position: FAV

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

Judith Lichtenberg
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Hyattsville, MD 20782
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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.

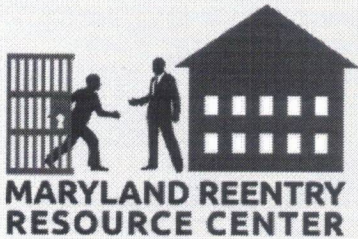
I am writing this letter today in vigorous support of **SB036** and **HB565**. I am aware that the number of deaths of currently incarcerated individuals in the Maryland prison system has risen over the years. There is very little often mentioned about this detrimental problem. How often does it happen 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

FAMM HB 565 Support - Deaths in Custody Oversight

Uploaded by: celeste trusty

Position: FAV



Written Testimony of Celeste Trusty
Deputy Director of State Policy for FAMM
In Support of HB 565
Maryland Senate Judicial Proceedings Committee
March 5, 2024

I would like to thank the Chair, Vice Chair, and members of the House Judiciary Committee for the opportunity to submit written testimony in support of HB 565, a bill that would create the Maryland Deaths in Custody Oversight Board under the Governor's Office of Crime Prevention, Youth, and Victim Services. **FAMM supports HB 565 and encourages a favorable report from the Committee.**

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Among the policies we advocate is the establishment of independent oversight bodies for correctional facilities in each state. Most of the Marylanders who support FAMM have loved ones incarcerated in a state prison, and their top concerns while their loved one is incarcerated are their safety, health, and rehabilitation. Unfortunately, we consistently hear from our members that Maryland's state prison facilities are unsafe, unsanitary, and lack sufficient medical and mental health care, staff, and rehabilitative programming. Additionally, Maryland families almost uniformly report to us difficulties in getting information about and help for their incarcerated loved ones from the staff and administration at the DPSCS. This is simply unacceptable, especially when a life ends while in custody.

There are myriad concerning stories out of Maryland's correctional facilities about deaths of people while in correctional custody. Between 2001 and 2019, there were 1,100 reported deaths of people living in Maryland state prisons, many of which were attributed to medical issues such as heart, liver, or

respiratory disease, cancer, and human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS).¹ More than 80 of these lives lost in custody were reported as death by suicide, over 60 people died of reported drug or alcohol intoxication, nine were classified as accidents, and more than 50 were reported as homicides.² The Maryland Deaths in Custody Oversight Board would be charged with analyzing deaths of incarcerated individuals and making recommendations based on their findings. For each death of an incarcerated person, HB 565 would charge the Board with conducting administrative and clinical mortality reviews, evaluating the related facility, and assessing infrastructures around access to and quality of care. Importantly, the Board would include people who experienced incarceration in Maryland, family members of people currently incarcerated, representatives from community organizations, as well as medical experts.

Americans across the political spectrum understand the inherent value of increased transparency and accountability in our nation's prisons: in a recent national poll, 82 percent of people agreed that state and federal prison systems should have independent oversight.³ The same poll showed a majority of people do not believe that agencies are able to provide reasonable, reliable, and transparent oversight over themselves.⁴ Creating a Maryland Deaths in Custody Oversight Board would create the accountability and transparency that family members and the public need and deserve when a person loses their life while in correctional custody.

The results of creating such a Board have the capacity to save lives and go a long way to support corrections staff, incarcerated people, and their families in their daily concerns about health, safety, access to medical and mental health care, lack of responsiveness to complaints, and myriad other issues. Oversight encourages increased professionalism at every level of an agency. Lawmakers also benefit from this type of independent oversight into deaths of people in custody. Lawmakers need this steady feedback and insight to help craft laws and policies to best protect incarcerated people while they are under correctional supervision, and the public deserves an increased level of transparency into this devastating and critical issue. **FAMM**

¹ U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics, Mortality in State and Federal Prisons, 2001–2019, TABLE 16

<https://bjs.ojp.gov/content/pub/pdf/msfp0119st.pdf>

² U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics, Mortality in State and Federal Prisons, 2001–2019, TABLE 16

<https://bjs.ojp.gov/content/pub/pdf/msfp0119st.pdf>

³ Public Opinion Strategies, National Survey on Prison Oversight conducted for FAMM July 29-Aug. 3, 2022, <https://famm.org/wp-content/uploads/FAMM-National-Survey-Key-Findings.pdf>.

⁴ Public Opinion Strategies, National Survey on Prison Oversight conducted for FAMM July 29-Aug. 3, 2022, <https://famm.org/wp-content/uploads/FAMM-National-Survey-Key-Findings.pdf>.

supports HB 565 and urges the committee to pass this piece of legislation.
We thank you for considering our views.

3 - HB565 Incustody deaths.pdf

Uploaded by: DaMarqus Moore

Position: FAV

WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

TO: Sponsor of the bill Senator Benson-SB0036 and Delegate Simmons - HB565

DATE: 2-5-2024

I am Anne-Claire Frank-Seisay and also a Maryland resident. 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's 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 issue. 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" encompasses 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 pray that this needed bill is voted on and passed into law.



Anne-Claire Frank-Seisay
anneclairefrank@gmail.com



WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

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

DATE: 2-6-2024

My name is Dawna Cobb. I am a co-founder of Return Home Baltimore, an online resource for formerly incarcerated people, and a Maryland resident. I strongly support **SB036/HB565** because it addresses the longstanding and ongoing national crisis of deaths occurring in custody. The need for this law is supported by the findings in a report entitled In-Custody Deaths in Ten Maryland Detention Centers 2008-2019, published in July 2023 by the UCLA Biocritical Studies Lab and by American Bar Association.

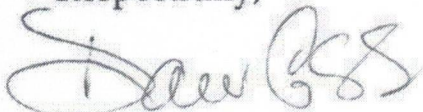
It is unacceptable that neither the United States nor Maryland governments possesses accurate data on the annual number of deaths in custody. The absence of clear, accessible information hampers the ability of policymakers, researchers, and advocates to instigate meaningful changes aimed at reducing preventable in-custody deaths. SB36 and HB 565 rectifies this issue.

The bill also requires:

- The agency responsible for an individual in custody to promptly notify the Oversight Board within a certain amount of time of the person's death;
- The notification to provide specific information about the deceased individual, encompassing their name, birth date, gender, race, and ethnicity, and a comprehensive description of the circumstances surrounding the death and the rationale behind the person's detention;
- The Oversight Board to analyze each case, draw conclusions, and offer recommendations concerning the individual's death.

Thank you for offering to support this bill, which addresses an important issue for Maryland.

Respectfully,



Dawna Cobb

dawnacobb@gmail.com

410-627-0769

Jayden Lassiter
March 4, 2024

Maryland Deaths in Custody Oversight Board

I am Jayden Lassiter a Bowie State University senior criminal justice major who is an intern with Helping Ourselves to Transform under the leadership of Dr. Carmen Johnson. I write in support of Senate Bill 36 and House Bill 565. The number of in-custody deaths in Maryland. Looking at the statistics that were released by the Maryland Department of Public Safety and Correctional Services was truly upsetting to me. From January 2009 to March 2023 there were approximately 885 people died while in state custody. After looking at an article from “Biocritical Studies Lab” published by Dr. Terence Keel & Dr. Carmen Johnson their studies show:

- Most people over 80% were detained pretrial at the time of their deaths meaning they were not convicted of any crime.
- Almost half of the decedents (47.78%) died within 10 days of being in the detention center, and 16.67% died within one day.
- Most jails that have high numbers of in-custody deaths were black prisoners, now what this means is that when detained, black and low-income residents are more at risk of in-custody deaths.

In-custody deaths are a major crisis in Maryland which is raising questions about what we can do to provide safety to those awaiting trial. Along with the possibility of most of these deaths being caused by improper use of force and negligence within the legal system. These stats show the complicity in systematic injustice and disdain for human life. As outsiders, although we don't have much information when it comes to these deaths, we must stand up for the families of those

March 5, 2024

Dear Chairman Luke Clippinger and Esteemed Delegates,

**Written Testimony / Maryland Deaths in Custody Oversight Board
HB 0565 Delegate Simmons and SB036 Senator Benson
Please vote "Favorable"**

My name is Shawn Addison and I am a resident in a Jessup Maryland Prison and I support HB565 and SB36. On Dec 14th, 2023 at the Jessup Correctional Institution (JCI) the search team came into my cell and conducted a cell search that has changed my life for the worse. After being given the directive to "drop them, squat, cough, and pull them, my boxers, up....I was redirected by another officer that demanded that I fully remove my boxers and hand them over. When I advised the officer that I had already complied with the other officer's requirements for that part of the strip search he told me that wasn't acceptable and when I refused his request he told me to put my hands behind my back and "cuff up" to go on disciplinary segregation. Because I only had on my boxers I asked if the officers could assist me in putting on my sweatpants due to the fact that I didn't feel comfortable being paraded around in just my boxers in front of everyone. They refused and when I stopped my movement they slammed me and proceeded to punch me and stomp me in my face until I was unconscious and then dragged me by my hair down the tier and steps until another officer intervened. This resulted in my eye being swollen shut, my vision that was 20/20 is now impaired, my eye got infected, I have scrapes and scratches all up and down my body, I had all kinds of bumps and bruises on my face and head and that is just the physical part. I'm now jittery, being treated for PTSD, suffering from night terrors seeing that boot coming down on my eye, as well as constant headaches. These officers tried to lie to me stating that I struck them and threatened them which would have added time to my sentence. This happens regularly here. I've seen this numerous times. I'm very blessed to have survived with my life even though it will never be the same for me. No one should encounter this kind of abuse that can and possibly has resulted in death at the hands of correctional officers. Please don't let these officers get away with this behavior, they beat me like an animal, people that beat animals get punished even jail time.....why are they allowed to operate like they have no consequences?

Thank you for your time.

Respectfully,

Shawn Addison
Incarcerated Individual

March 5, 2024

Dear Chairman Luke Clippinger and Esteemed Delegates,

**Written Testimony / Maryland Deaths in Custody Oversight Board
HB 0565 Delegate Simmons and SB036 Senator Benson
Please vote "Favorable"**

My name is Helen Rodgers and I am a former Detention Officer. This is what I experienced first hand, not what someone told me, not what someone showed me on a video, this is my own personal experience. There was a female inmate who passed away at the Detention Center where I had worked. The day before she passed away I was on shift from 6:00am to 6:pm. Now the female officer that I relieved didn't mention anything out of the ordinary that I should be concerned about so I did my morning headcount and we waited for the count to clear. Count cleared that officer and went home. The only thing that happened on my shift was that I put the female on 24hr cell restriction for not covering herself up when I asked her to. And the reason why I asked her to cover up was that I did not want the females who were in the day room on bunkers to walk by and see her uncovered. She also asked me for a fan and I told her that I could not give her a fan. When I got to the officer station I put it in her notes that I gave her a 24hr cell restriction and my reason why. So when it was time for my shift to end I did let the oncoming officer know that I put her on 24hr cell restriction and why and after she did her headcount and count cleared then I went home. So the next day when I came to work I was told that the female had passed. My Colonel at that time called me and she saw where I had put the female on 24hr cell restriction and I also told her why after our conversation nothing else was said and I thought all was good. Well not so I had gotten a subpoena to appear for a deposition hearing concerning the young lady's death. When I got to the hearing and one of her family's lawyers showed me a report that was written I let them know that I did not write that report and that was not the conversation that the Colonel and I had. Also the person who wrote the report had included a false statement from a female inmate stating that I said something that I did not say. And the attorney asked me if I knew who wrote and changed the report and I told him no I did not. And when the lawyer looked me in my face and told me about her conditions I looked him right back in his face and told him I was not there. The only thing that saved me that day was God and the schedule that proved to him and the other two lawyers her family had that I was not there. And I found out that the female who was on shift gave her another 24 hr cell restriction for what I don't know. The Master Sgt who was on shift that night I found out that he did not relieve her so that she could do her hourly rounds. Plus he left that Correctional Facility and got a job at another one. The lawyer said "The people who are supposed to be here are not and the ones who should not be here are." So he got up and went to go talk to the Undersheriff and when he came back he had a nicer tone talking to me. He asked me one question and that question is if I had known about her medical condition would I have called medical and my answer was ASAP. I hope this opens the eyes of the people that it needs to because not only do the inmates suffer but innocent people who are just trying to do their job in a fair way can easily get wrongfully accused because of the people who don't want to be held accountable for their wrongful actions.

***Helen Rodgers* helendeniserodgers@gmail.com**

(2) 10 support letters HB565.pdf

Uploaded by: Dr. Carmen Johnson

Position: FAV

Gene's Support Letter

Gene Downing <gene.downing@courtexcellence.org>
To: "carmen@helpingourselves.org" <carmen@helpingourselves.org>

Tue, Feb 6, 2024 at 4:04 PM

WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

TO: Sponsor of the bill Senator Benson-SB0036 and Delegate Simmons - HB565

DATE: 2-6-2024

I am Gene Downing and I'm a Washington D.C. resident, Returning Citizen, criminal/youth justice advocate and a strong supporter of this bill. 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's 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. Being a formally incarcerated person, I know all too well the horrors of incarceration as well as the possibility of death while there. I support this bill not only because it's intended to address the lives lost while incarcerated, but also to prevent more lives lost.

- 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 issue. 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" encompasses 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 pray that this needed bill is voted on and passed into law.

Gene Downing

202-983-0961

Gene Downing | Galena Yorktown Fellow

Pronouns: he/him/his

Council for Court Excellence

202.785.5917 x 109

gene.downing@courtexcellence.org

[Quoted text hidden]

WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

TO: Sponsor of the bill **Senator Benson-SB0036 and Delegate Simmons - HB565**

DATE: 1-31-2024

I am **MUHAMMAD IBN BASHIR** and also a Maryland resident. 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's 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.

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Thank you for your time in this matter and I pray that this needed bill is voted on and passed into law.

Respectfully Submitted,

Muhammad ibn Bashir, Esq.

baltimore@silmillaw.com

WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

TO: Sponsor of the bill **Delegate Simmons - HB565 and Senator Benson-SB0036**

DATE: 3-5-2024

I am Alfrieda Hylton and also a Maryland resident. 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's 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 issue. 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" encompasses 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 pray that this needed bill is voted on and passed into law.

Ms. Alfrieda Hylton

jrlewisreentryreformservices@gmail.com

WRITTEN TESTIMONY SUPPORTING

SB36 partnered bill HB565

Maryland Deaths in Custody Oversight Board

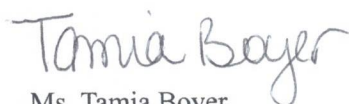
Dear Senator Benson-SB0036 and Delegate Simmons - HB565

DATE: 1-31-2024

I am Ms. Tamia Boyer, a long-time Maryland resident with a deep connection to the issues surrounding our correctional facilities. Growing up as the child of a prison pastor, I was exposed to the stories and experiences within these institutions. My unique perspective has reinforced my unwavering support for SB036/HB565. This crucial legislation is not merely a bill; it is a catalyst for change. SB036/HB565 aims to establish an Oversight Board that will usher in a profound era of transparency and accountability concerning the tragic deaths that persist within Maryland's correctional facilities. Its primary mission is to actively combat the distressing number of fatalities that continue to plague our prisons, jails, and detention centers. This legislation confronts the enduring and pervasive national crisis of in-custody deaths head-on. Many of these heart-wrenching incidents stem from the unnecessary use of force and neglect within our flawed criminal justice system. It is profoundly disheartening that the United States Government lacks accurate data on the annual number of deaths in custody. This absence represents both a moral and administrative failure of our system. The dearth of clear and accessible information severely hinders the ability of policymakers, researchers, and advocates to drive meaningful changes aimed at curbing 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 issue. 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 aims to ensure transparency and accountability within Maryland's custody system. It requires that when an individual dies in custody, all relevant details are made public. The bill seeks to identify and address the root causes of such deaths while preserving the well-being and dignity of those in custody. To achieve these goals, it establishes an independent Oversight Board responsible for conducting

comprehensive reviews of all in-custody deaths in Maryland. This board will issue detailed reports outlining the circumstances of each fatality and provide recommendations for prevention, overseeing their implementation. The agency responsible for an individual in custody must promptly notify the Oversight Board upon the person's death. This notification should include specific information about the deceased, including their name, birth date, gender, race, and ethnicity. The Oversight Board will rigorously analyze each case, draw conclusions, and offer recommendations concerning the individual's death. Additionally, the notification should provide a comprehensive description of the circumstances surrounding the death and the reasons 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, in transit with law enforcement or correctional officers, within a facility's infirmary or hospital under their custody, during a government official's pursuit in a motor vehicle, or while incarcerated in various Maryland facilities holding individuals for Immigration and Customs Enforcement.



Ms. Tamia Boyer

GED/ESL

240-640-4790

tamiaisboyer@gmail.com

WRITTEN TESTIMONY SUPPORTING

SB36/HB565 - Maryland Deaths in Custody Oversight Board

TO: Senator Benson and Delegate Simmons

DATE: 1-31-2024

I am Mrs. Yolanda Leak and also a Maryland resident. I personally had a family member that died in jail and for that reason 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's 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 issue. 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.

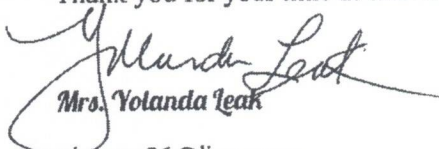
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Thank you for your time in this matter and I pray that this needed bill is voted on and passed into law.


Mrs. Yolanda Leak
alstony01@live.com

2024.03.05 HB 565 CCJR FAV.pdf

Uploaded by: E. Flannery Gallagher

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE 565

MARYLAND DEATHS IN CUSTODY BOARD

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: March 5, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address harm and inequity in the criminal legal system, and we are grateful for this opportunity to submit testimony in support of House Bill 565.

The data surrounding in-custody deaths is chilling. Over 80% of people who died in custody were *awaiting* trial.¹ Moreover, according to one study, more than half of in-custody fatalities occurred within 10 days of being detained, and one in six of those deaths occurred less than 24 hours after the initial detention.² Glaringly, the jails with the most in-custody deaths are in jurisdictions with high rates of poverty and large proportions of Black residents.³ Indeed, the data suggests that Black and low-income residents are particularly at risk of in-custody death.

In light of the tragic evidence of unacceptably high rates of in-custody death and the disproportionate impact they have on our most vulnerable communities, it is critically important to establish a balanced Oversight Board to analyze and make findings and recommendations related to deaths of incarcerated individuals. In fact, just this week the American Bar Association adopted a resolution urging states “to ensure that there is an independent investigation into the cause of any death that occurs in a correctional institution or in the custody of law enforcement.”⁴

A fundamental challenge to combatting in-custody deaths is the difficulty in gathering information. Inadequate reporting practices, inconsistent record keeping, and high barriers to public access of key information prevents meaningful reform and accountability. Moreover, the lack of transparency around in-custody death data undermines the public’s faith in the criminal

¹ Robert, A. (2024, February 5). “Prisons Are Often Horrible Places”: How can death in custody reporting act be better enforced? ABA Journal, <https://www.abajournal.com/web/article/Prisons-are-often-horrible-places-how-can-death-in-custody-reporting-act-be-better-enforced>.

² Id.

³ Id.

⁴ See *Midyear Meeting 2024 - Resolution 506*. American Bar Association, https://www.americanbar.org/news/reporter_resources/midyear-meeting-2024/

legal system, denies family and community members the right to know what happened to loved ones, and prevents public oversight of a moral and legal responsibility of government.

House Bill 565 represents an important step towards identifying and rectifying the primary causes of in-custody deaths while safeguarding the well-being and dignity of those in custody. By enacting this legislation, Maryland can set a national precedent by demonstrating a firm commitment to public transparency and accountability, while also reducing the number of in-custody deaths through improved adherence to established procedures and policies.

For these reasons we urge your favorable report on House Bill 565.

InCustodyDeathinTenMarylandDetentionCenters_August

Uploaded by: Elizabeth Rossi

Position: FAV

In-Custody Deaths in Ten Maryland Detention Centers, 2008-2019

Carmen Johnson, Ph.D.

Terence Keel, Ph.D.

Alexander Li

Anna Robinson-Sweet

Elizabeth Rossi

Grace Sosa

Jonah Walters, Ph.D.

August 2023

For correspondence contact: Dr. Terence Keel
at biostudieslab@ucla.edu

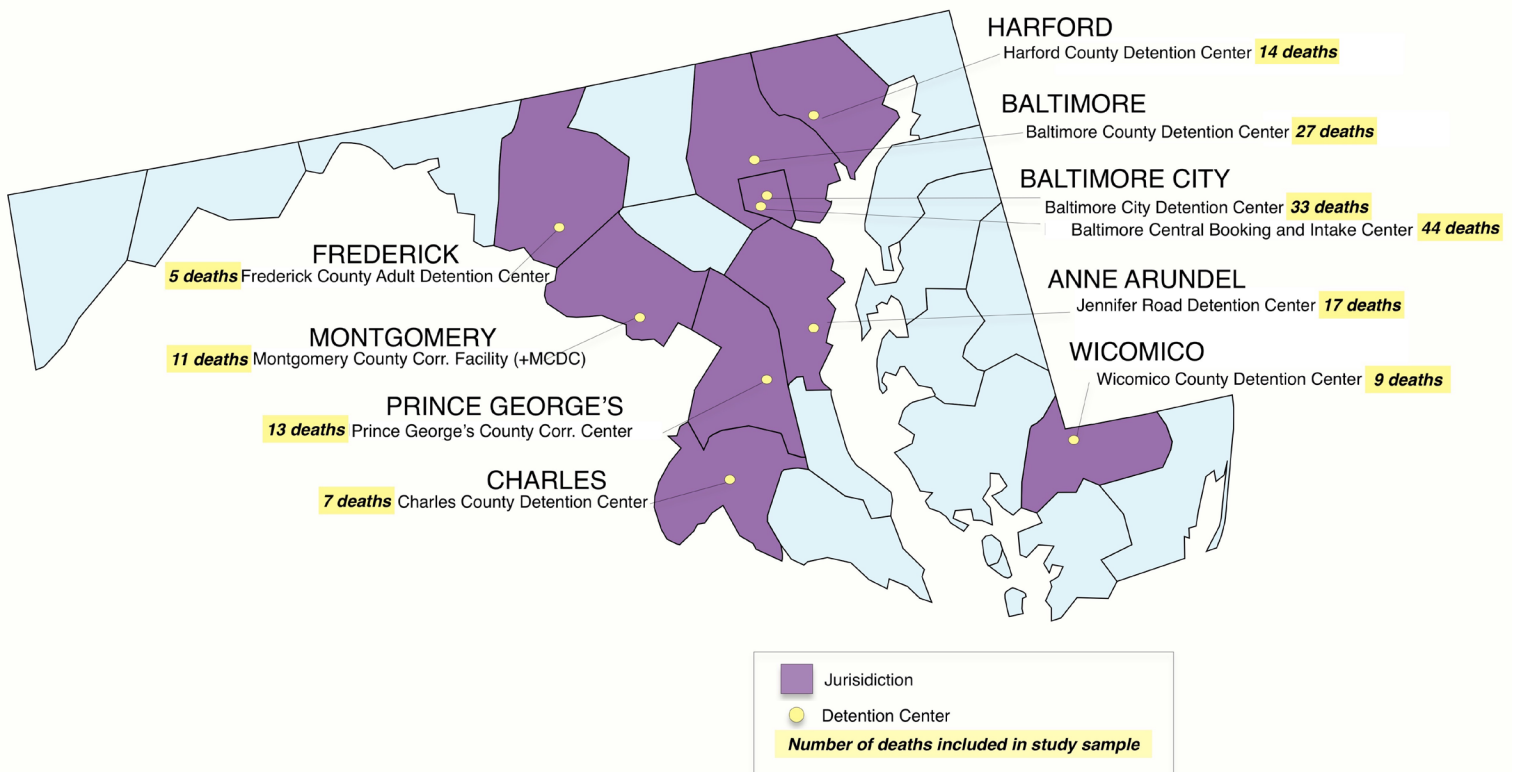


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Executive Summary

The BioCritical Studies Lab analyzed a sample of 180 deaths in 10 city and county detention centers in Maryland between 2008 and 2019. These detention centers are distinct from state correctional facilities in that they primarily confine persons who are awaiting trial or arraignment. Our study sample reflects only deaths self-reported by these 10 city and county detention centers to the Bureau of Justice Statistics (BJS) during this time period. Our sample represents only a portion of all in-custody deaths known to have taken place throughout Maryland during the study period.

Our analysis produced five key findings:

- First, the detention centers with the most instances of in-custody death in our study sample are situated in jurisdictions with both high rates of poverty and large numbers of Black residents. The confluence of these two factors is strongly correlated to in-custody death.
- Second, the average age of in-custody deaths officially designated as “natural” is substantially lower than life expectancy among the non-jailed population, possibly indicating the widespread misclassification of deaths attributable to violence and/or negligence as “natural” by the Maryland Office of the Chief Medical Examiner.
- Third, over 80% of the deaths in our sample took place while the decedent was awaiting trial, meaning they had not been convicted of any crime at the time of death.
- Fourth, about half of the decedents included in our sample died within 10 days of their admission to the detention center, and more than one sixth died less than two days after their admission, suggesting that even short stays in detention present a significant risk of premature death.
- And fifth, there currently exist high barriers preventing public access to key information regarding deaths in Maryland detention centers that place comprehensive study of this social problem out of reach.

We conclude by making several recommendations as to how policymakers might address the problems described in this report, including systematically reducing jail populations through the elimination of pretrial detention, establishing an explicit mandate for the Office of the Chief Medical Examiner to investigate all instances of in-custody death, and codifying new standards for publicly reporting information about in-custody deaths when they occur.

Background

Across the United States, encounters with law enforcement are reliably correlated with adverse health outcomes and elevated rates of premature death, especially for people of color, members of low-income communities, and unhoused individuals. National data provides statistical evidence of the crisis: Black Americans are 3.5 times more likely to be killed by law enforcement than their white counterparts, and nearly 60 percent of police-involved deaths of Black Americans went unreported to federal authorities between 1980 and 2019.¹ A series of widely publicized police killings between 2015 and 2020 stoked a nationwide protest movement calling for the defunding of local police departments, investments in community-based and non-carceral solutions to violence and harm, and a permanent end to deaths during arrests. While this movement has brought substantial attention to the crisis of fatal police encounters on the streets of U.S. cities, a similarly dire crisis of premature death inside jails and prisons has received comparatively less attention.

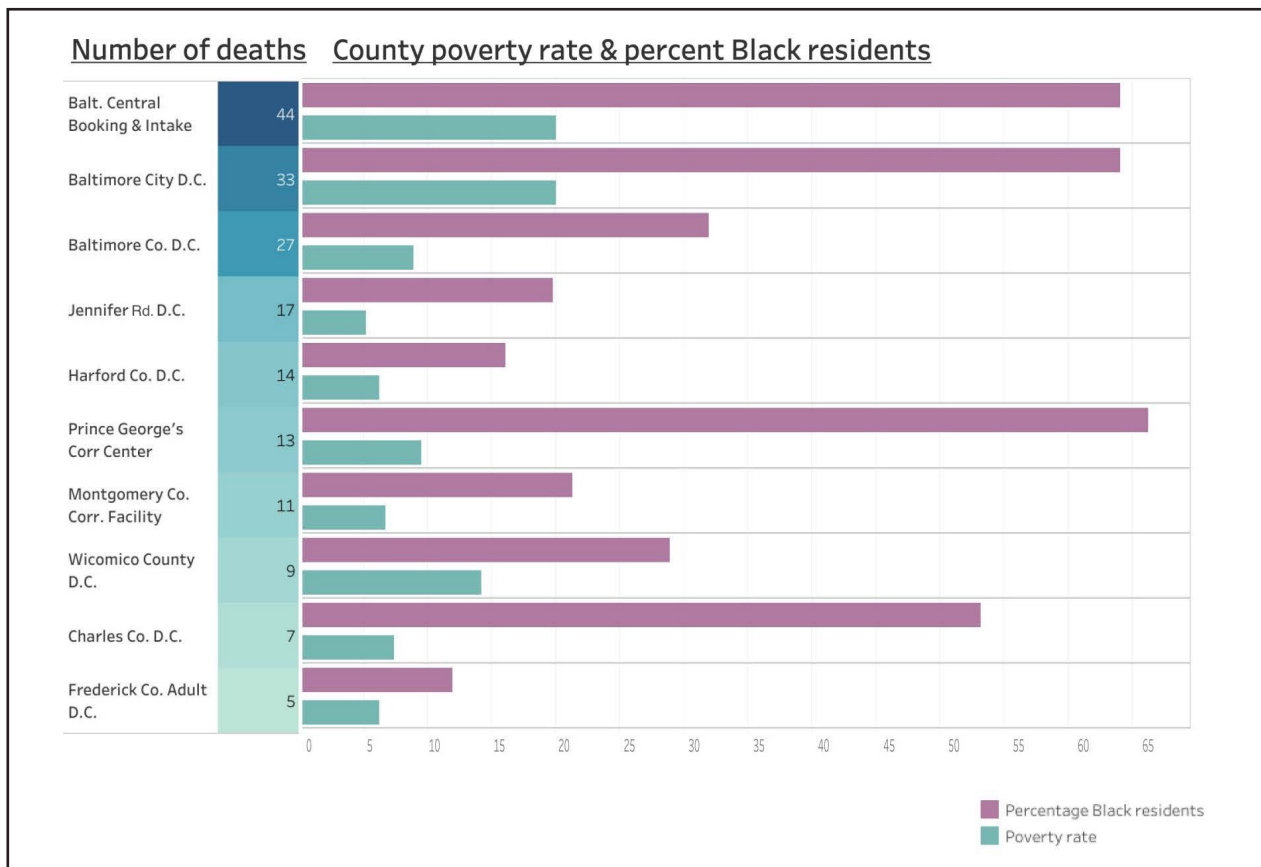
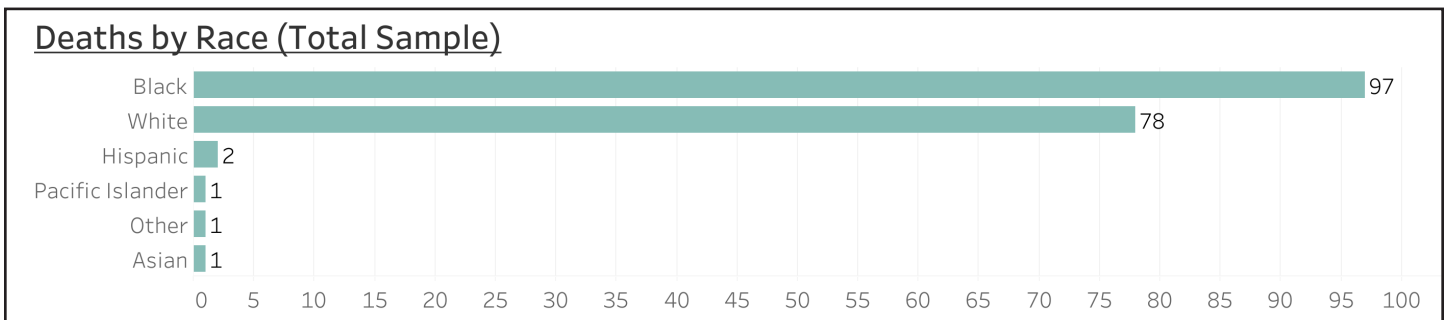
The BioCritical Studies (BCS) Lab, founded and directed by Dr. Terence Keel of the University of California–Los Angeles, has been studying the crisis of in-custody death in counties across the United States since 2020. Using a wide range of publicly available data, the BCS Lab works to identify evidence of law enforcement violence and medical negligence in in-custody death cases, not only by analyzing aggregate data as in this report but also by evaluating autopsy and toxicology records produced by coroners and medical examiners.

This report resulted from a collaboration between multiple organizations committed to criminal justice reform, including DMV-based non-profits Helping Ourselves to Transform (HOTT) and Life After Release (LAR), as well as Civil Rights Corps (CRC), a national organization based in Washington, DC. LAR, led by formerly incarcerated Black women, is dedicated to organizing directly impacted people with the goal of exposing and dismantling the criminal punishment system. HOTT is dedicated to building bridges between newly released loved-ones and their communities, including businesses and elected officials, to move us closer to a cure for mass incarceration that brings mass liberation. CRC is a non-profit law firm that works in close partnership with impacted communities and grassroots organizations to use litigation, policy, and narrative storytelling in support of abolitionist visions for the future. Together these groups worked with the BCS Lab to examine deaths in local detention centers, state prisons, and during street encounters with police in Maryland. And Zealous is a national advocacy and education initiative that harnesses the power of media, technology, storytelling, and the arts to topple the imbalance of power over criminal justice media and policy. This report, focusing on in-custody deaths in local detention centers, is the first product of that research collaboration.

¹ Romero, M. "Law Enforcement As Disease Vector." SSRN Scholarly Paper. Rochester, NY, October 11, 2020. <https://papers.ssrn.com/abstract=3617367>.

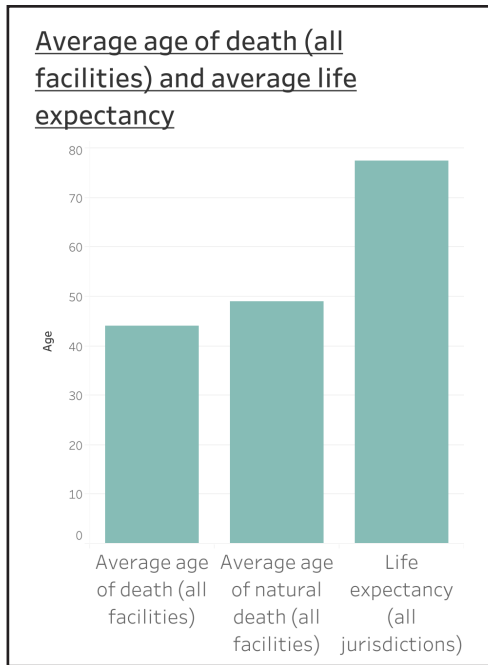
Major Findings

1. The detention centers with the most instances of in-custody death in our study sample are situated in jurisdictions with both high rates of poverty and large numbers of Black residents.*



*Local poverty rate data from “Poverty Rates for Maryland Jurisdictions, Annual Estimates, 2010-2020” (table), U.S. Census Bureau: Small Area Income and Poverty Estimates, December 2021. Local racial demography data from “Quick Facts: Maryland” (web portal), U.S. Census Bureau, 2020, <https://www.census.gov/quickfacts/fact/table/MD>

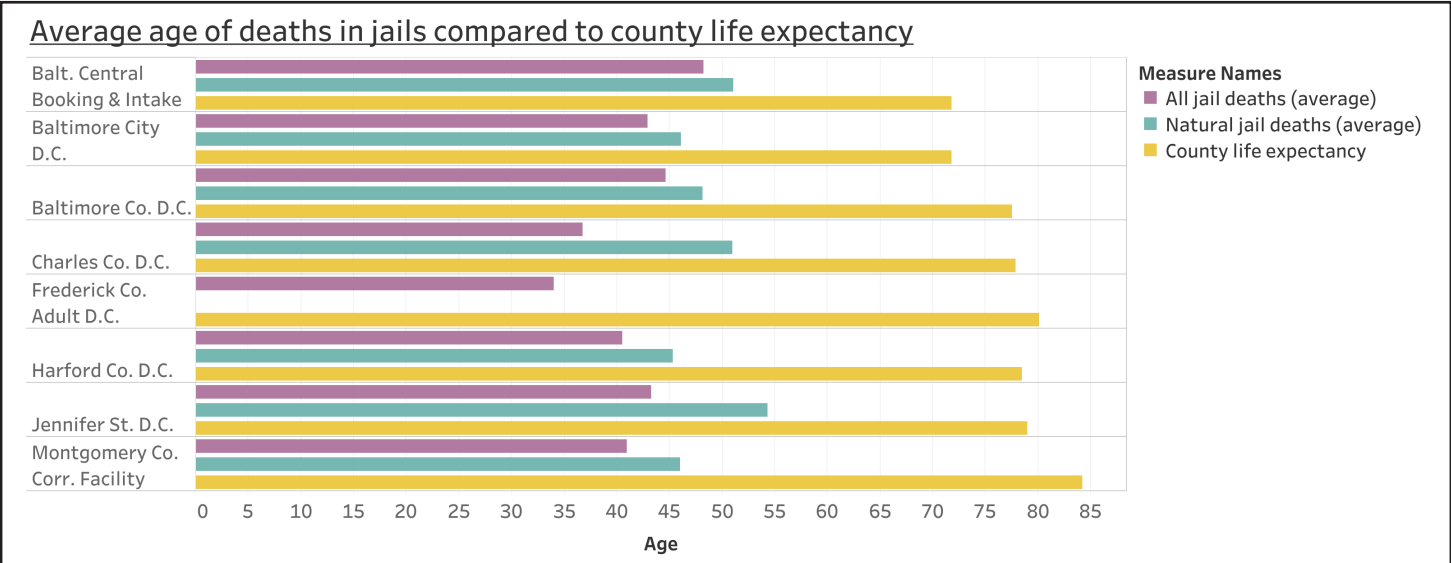
2. In every detention center, the average age of in-custody death was substantially lower than the average life expectancy in that city or county, as determined by the Maryland Department of Health.*



This finding remains true even when in-custody deaths officially designated as accidents, drug overdoses, homicides, and suicides are omitted and when controlling for race and gender.

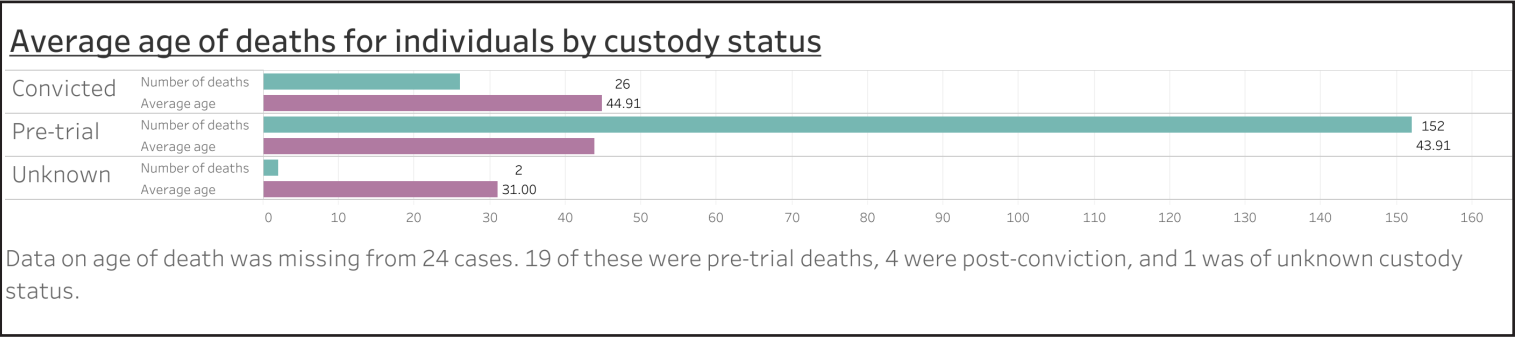
The average age for all deaths in our study sample is 43.97 years, which is 33 years younger than the average life expectancy for the non-jailed population in Maryland (77.3 years).

The average age for “natural” deaths in our study sample is 49.09 years, which is 28 years younger than the average life expectancy for the non-jailed population in Maryland.”

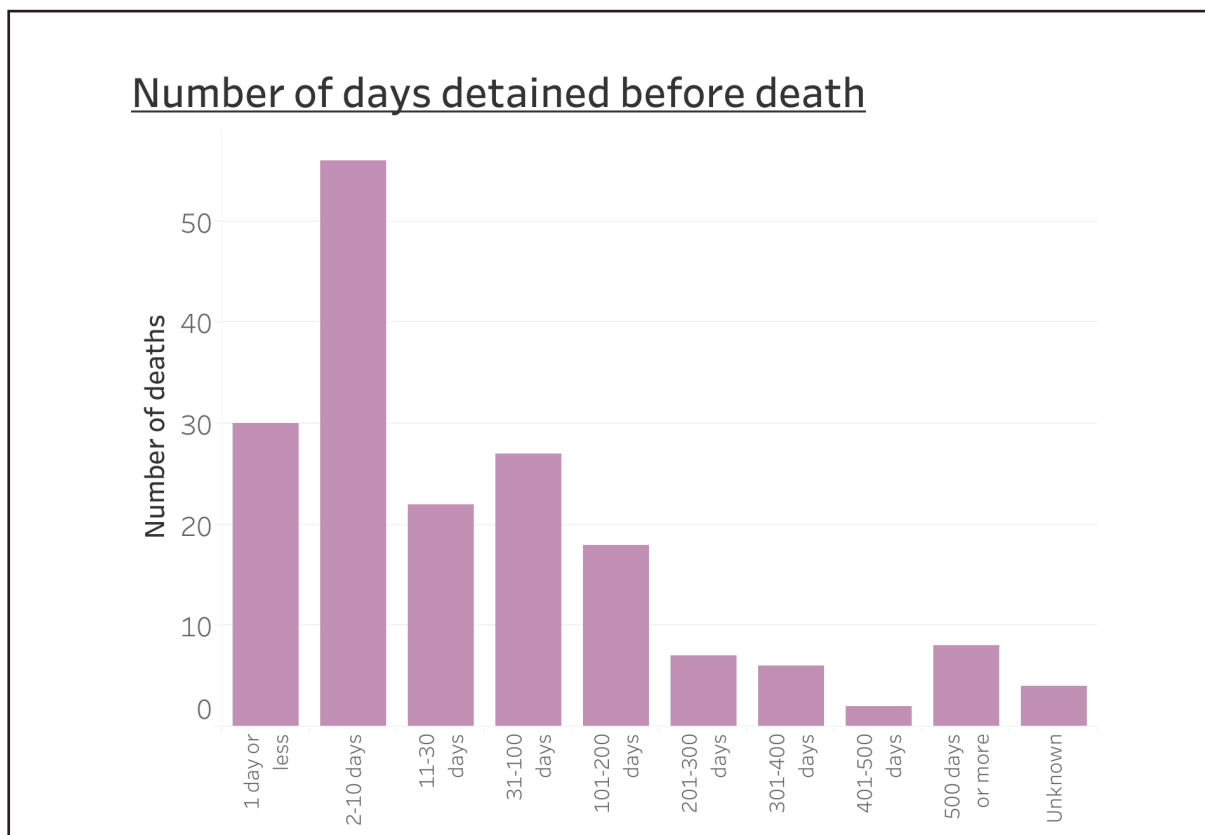
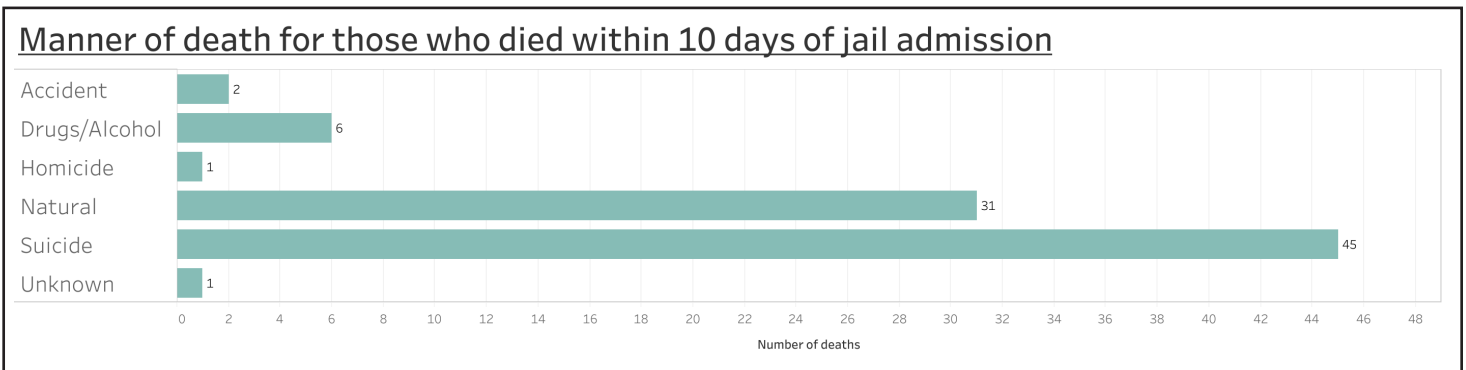
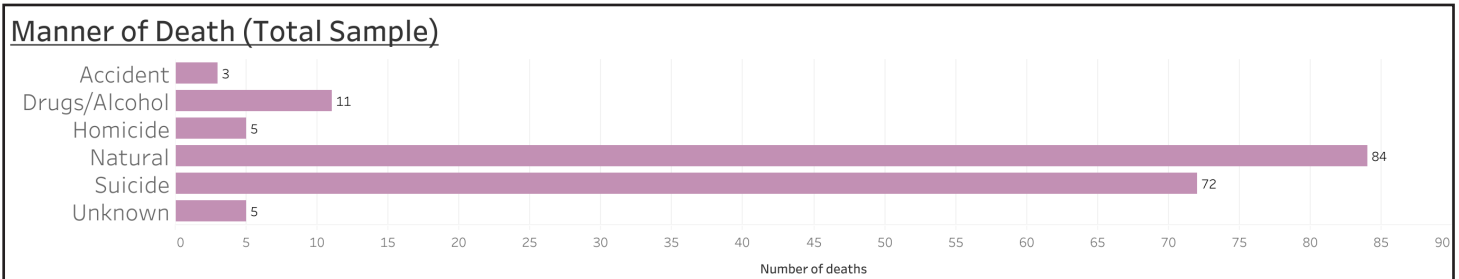


*The ages of 24 decedents included in our study sample are unreported and incalculable, as no date of birth and/or date of death was reported. These decedents are omitted from this finding. General life expectancy data from Schrader, D.R., S.L. Hurt, and C.D. Weaver, “Maryland Vital Statistics Annual Report, 2020,” Maryland Department of Health, 2021.

3. Four out of five decedents in our study sample (85.39%) were detained pretrial at the time of their death, meaning they had not been convicted of any crime.



4. Almost half of the decedents in our study sample (47.78%) died within 10 days of their admission to the detention center. More than one in six (16.67%) died less than two days after their admission to the detention center.



5. The number of in-custody deaths contained in our sample is much lower than the numbers estimated by legal advocates and community organizations based on other sources of data. The scope of this discrepancy suggests that Maryland detention centers may tend to underreport in-custody deaths to higher authorities such as the U.S. Bureau of Justice Assistance.

Public understanding of in-custody deaths has been substantially limited by insufficient reporting practices and inconsistent record keeping. Our review of additional sources of data obtained by community partners through Public Records Act requests suggests that our sample represents a small portion of all in-custody deaths in Maryland during the study period.

In addition to our 180-decedent sample derived from Bureau of Justice Statistics data, the BCS lab also consulted a dataset titled “Maryland Deaths in Custody 2003-2020,” obtained via PIA request and provided to us by community partners. This spreadsheet includes the names and demographic information of 1,313 decedents (832 decedents during our time period of interest), but does not report on the setting of death (street or carceral). The BCS Lab was able to identify the location of some of these deaths by cross-checking with the other data sets utilized in this report. The BCS Lab also combined the “Maryland Deaths in Custody 2003-2020” dataset with an internal dataset maintained by the Lab, called the List of Lost Lives, which combines data compiled by the news organization Reuters with data compiled by the non-profit organization Fatal Encounters. Using the List of Lost Lives, the BCS Lab identified 91 names of individuals who died in the custody of law enforcement on the streets of Maryland between 2008 and 2019. Of these 91 names, 66 were not found in any other database. Full names were included for only 50 of the 180

individuals contained in the BJS dataset that comprise our sample, thus making it extremely difficult to cross-check identifying variables with other datasets.

A complete review of all datasets in our collection suggests that there were at least 1,078 in-custody deaths in Maryland during the 2008-2019 study period. After accounting for the 91 confirmed street deaths and 180 confirmed jail deaths, we estimate that there remain at least 807 in-custody deaths reflected in our overall data for which we cannot determine a setting (i.e. street, jail, or prison).

The insufficiency of available data demonstrates that in-custody deaths are inconsistently documented by officials at multiple levels of government. This makes it incredibly difficult to identify risk factors for death during detention or interaction with law enforcement, which in turn inhibits accountability, community input regarding solutions, political intervention by elected officials, and social change. Enhancing internal and public reporting requirements related to in-custody deaths is a necessary but insufficient first step to addressing the present crisis of in-custody deaths in the short term. Indeed, it is the bare minimum Maryland residents deserve. We conclude that far more transparency is required to ensure adequate community participation in policy reforms and also to meet the minimum standards of public accountability established by Maryland and federal statutes.

Methods

To complete this report, the BCS Lab created a research sample (n=180) using information from the Bureau of Justice Statistics' (BJS) "Mortality in Correctional Institutions" dataset. Our research sample contained specific demographic, circumstantial, and personally identifying information for 180 decedents who died between 2008 and 2019 in 10 Maryland detention centers. We partially anonymized this data by omitting names but preserving the race, gender, age, date of admission, date of death, location of death, cause of death, and manner of death for each decedent. From this data, we expanded all abbreviated data points and labeled all missing data points as "Unavailable." We standardized all categories under each variable. To determine age, we used Google Sheets' "DATEDIF" function, which calculates the number of days, months, or years between two dates. For our purposes, the function calculated the number of years between the date of birth and the date of death of each decedent, both of which were generally included in the BJS dataset.

We then produced visualizations related to a number of key variables for each detention center and for the research sample as a whole, specifically: 1) racial demography of decedents; 2) age and manner of death; 3) portion of decedents convicted/unconvicted; and 4) length of detention prior to death. We also identified the most commonly occurring natural and non-natural causes of death in each detention center included in our research sample. Finally, we compared the results of this analysis with several variables related to the overall (i.e. non-jail population) demographics of the jurisdiction in which each detention center is located, using data from the Maryland Department of Health and the U.S. Census. These variables include racial population demographics in each county, life expectancy in each county, and relative rates of poverty in each county.

Limitations of the Study

The information analyzed in this study is limited to data self-reported by individual detention centers to the Bureau of Justice Statistics between 2008 and 2019 and included in the BJS's "Mortality in Correctional Institutions" dataset. The quality of these data varied greatly between detention centers. Two detention centers included in our sample failed to provide data suited to calculating age. Four detention centers in our sample failed to report cause of death data adequate to inclusion in this report. Individual data points related to age, date of admission, and trial status were omitted by three detention centers in our sample.

Furthermore, the cause of death data that is included varies substantially in quality, with some detention centers reporting formal pathological diagnoses (e.g. "Atherosclerotic Cardiovascular Disease") and others reporting only vague and/or euphemistic causes (e.g. "cardiac issues"). For this reason, it is impossible to determine with a high degree of confidence any patterns related to cause of death from the data provided. Such an analysis would require detailed review of the autopsy

and toxicology reports produced in each case by the Maryland Office of the Chief Medical Examiner, which are currently unavailable to the researchers.

Finally, we were constrained by the lack of usable data from the most recent three-year period (2020-2022). For this reason, our study can capture trends only as they existed prior to the end of 2019. However, we have seen nothing to suggest that these trends have improved following the study period. In fact, in-custody deaths increased nationwide between 2020 and the present, a period that saw the onset of a global pandemic that ravaged in-custody populations and Black communities more broadly.

The present study is relevant to what we regard as a current and ongoing crisis of premature death in Maryland detention centers. Our efforts to obtain data for the 2020-2022 period are ongoing and may be analyzed in future reports.

Conclusions & Recommendations

Conclusion:

Even very short periods of detention pose significant risks of premature death to persons who are detained.

In-custody death in Maryland detention centers represents a grave human rights crisis that requires immediate political intervention. The overriding policy goal must be to reduce the overall number of people admitted to detention centers across the board. Police, commissioners, judges, and pretrial services agents all must exercise a much greater degree of restraint when deciding whether to place someone under arrest or to detain someone pretrial.

Recommendation:

Legislation, executive order, and/or court rules greatly narrowing the scope of charges that can give rise to pre-trial detention.

All reforms should be oriented towards maximizing the total number of people released after arrest on their own recognizance, meaning that they are released without conditions on the basis of their promise to appear for court.

Policymakers should limit the type of charges that are eligible for detention. Narrowing the detention net must be accomplished without a corresponding expansion in the use of electronic monitoring and/or home confinement.

Conclusion:

The Maryland Office of the Chief Medical Examiner (OCME) may tend to misclassify in-custody deaths attributable to violence and/or neglect as “natural.”

We reach this conclusion based on: 1) discrepancies between general life expectancy and age of in-custody deaths designated as natural; and 2) short durations between initial detention and death. This tendency fits a pattern that the BCS Lab has documented elsewhere in the United States, notably in the Los Angeles Office of the Chief Medical Examiner.

Recommendation:

Legislation requiring the Maryland Office of the Chief Medical Examiner to conduct full investigations, including autopsy, for all in-custody deaths. Such legislation may require that the OCME convene public inquests for the purpose of determining cause and manner of death in all in-custody death cases.

The statute establishing the Maryland Office of the Chief Medical Examiner (Md. Code Ann., Health–Gen. § 5-305) includes no mandate that all in-custody deaths be investigated by the OCME. In this respect, Maryland is unique among its neighbors. Similar statutes in Delaware, Pennsylvania, Virginia, Washington, D.C., and West Virginia each mandate that coroners and/or medical examiners investigate all incidents of in-custody death.

As currently constituted, Maryland law contains sufficient ambiguity to functionally grant sheriffs, police, and other law enforcement officials the discretion to determine whether an in-custody death constitutes a medical examiner’s case, and therefore whether it must be reported to the OCME (Md. Code Regs. 10.35.01.18). Maryland law also grants the OCME the discretion to determine, based on subjective criteria, whether an in-custody death reported to its office requires investigation and autopsy (Md. Code Regs. 10.35.01.18). This ambiguity and resulting discretion must be corrected and new rules established to unambiguously require full investigation of all in-custody deaths by the OCME.

The existing pathways through which qualified members of the public may appeal cause and manner of death determinations (Md. Code Regs. 10.35.01.13) are insufficient in cases of in-custody death.

Conclusion:

Officials have established unreasonably high barriers to public access of key information regarding in-custody deaths.

The stipulation that an OCME investigation report “constitutes an individual file of the Chief Medical Examiner not subject to disclosure” (Md. Code Regs. 10.35.01.18-4) greatly reduces transparency in in-custody death cases. This rule is contrary to the public interest in that it places comprehensive study of in-custody death out of reach, especially for community advocates. This lack of transparency also makes it virtually impossible for affected communities to hold officials accountable in individual cases of in-custody death.

Recommendation:

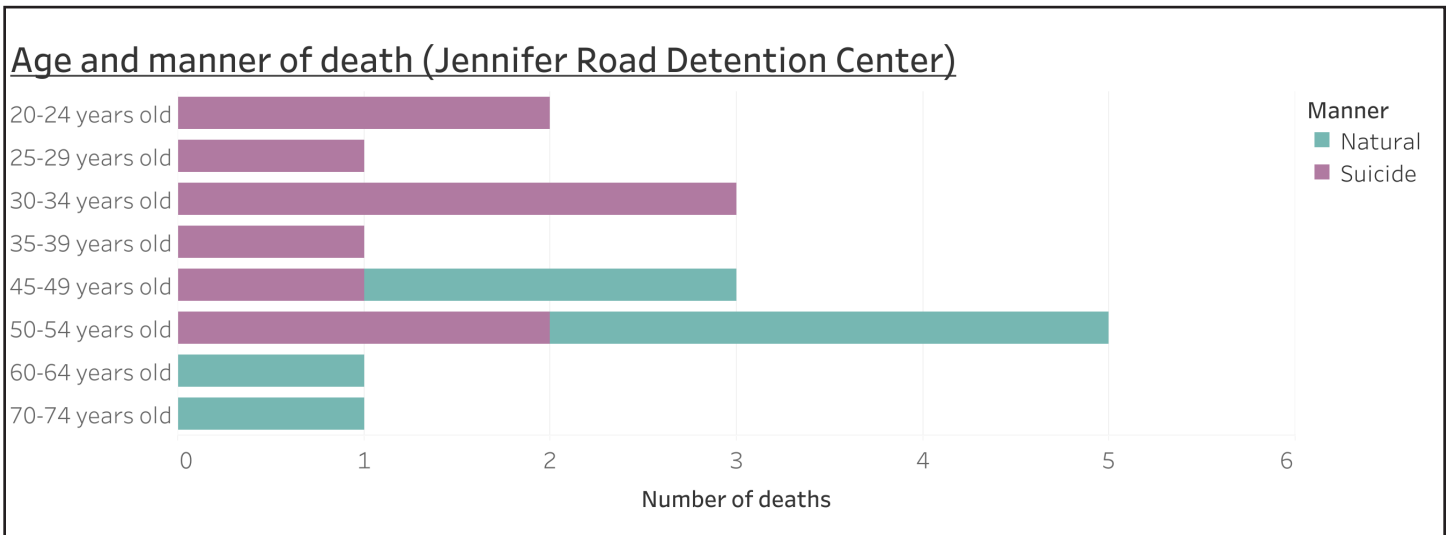
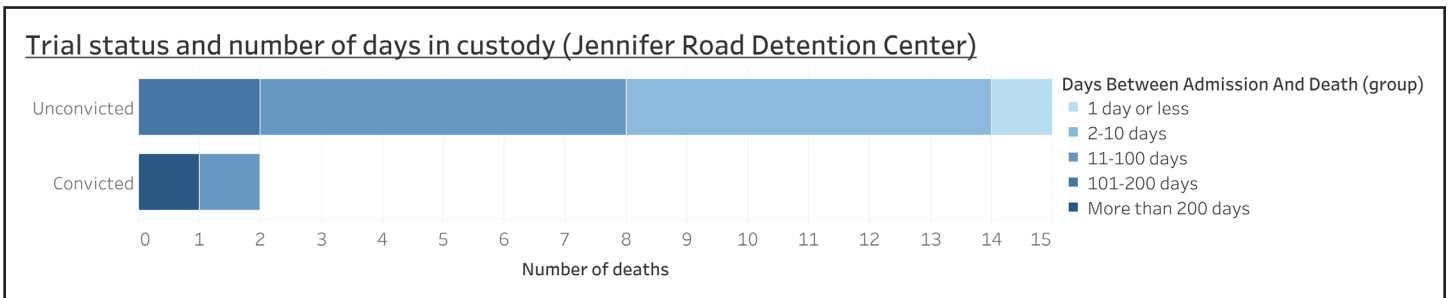
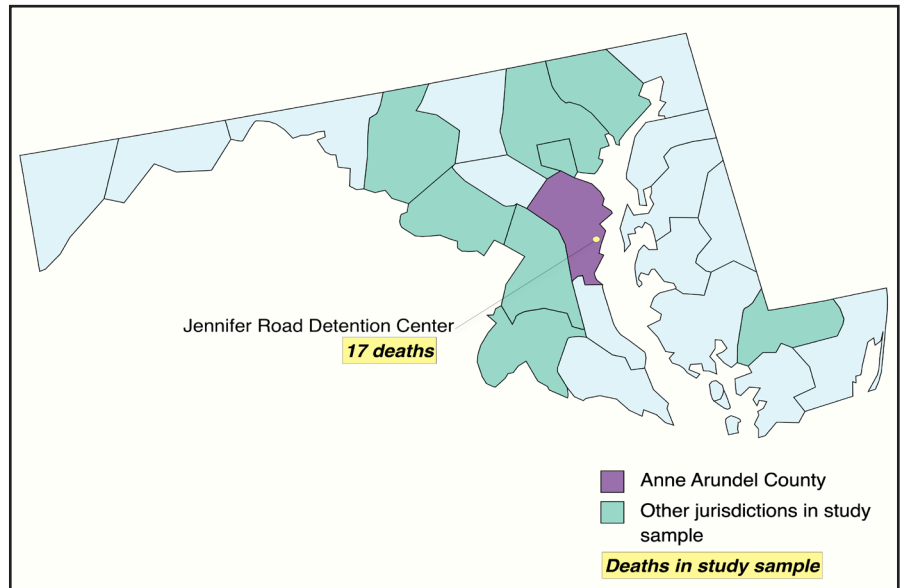
Legislation establishing a public reporting requirement for all cases of in-custody death, possibly including mandatory public inquests and/or indication of in-custody status on the public death certificate.

Such legislation would be consistent with existing laws in other jurisdictions. In California, for example, a law passed in 2022 (CA AB 2761) mandates that death certificates indicate that a decedent died in custody subsequent to police use of force. This law further mandates that relevant authorities publicly release key information within 10 days of each in-custody death.

Appendix: Fine-Grained Analysis by Facility

Our sample contained a total of 17 deaths in Jennifer Road Detention Center (Anne Arundel County). Of these decedents, 4 were identified as Black men, 10 as white men, 1 as a Black woman, 1 as a white woman, and 1 as a man of unspecified (“other”) race. The most common manner of death was suicide (n=10), followed by natural (n=7). The overall most common cause of death was hanging (n=10), while the most common cause of natural death was atherosclerotic cardiovascular disease (n=2). The average age for all deaths was 43.29 years (n=17), while the average age for natural deaths was 54.29 years. The median length of stay in the detention center prior to death was 15 days (min: 0 days; max: 416 days). 88.24 percent of decedents (n=15) were unconvicted/awaiting trial at the time of death.

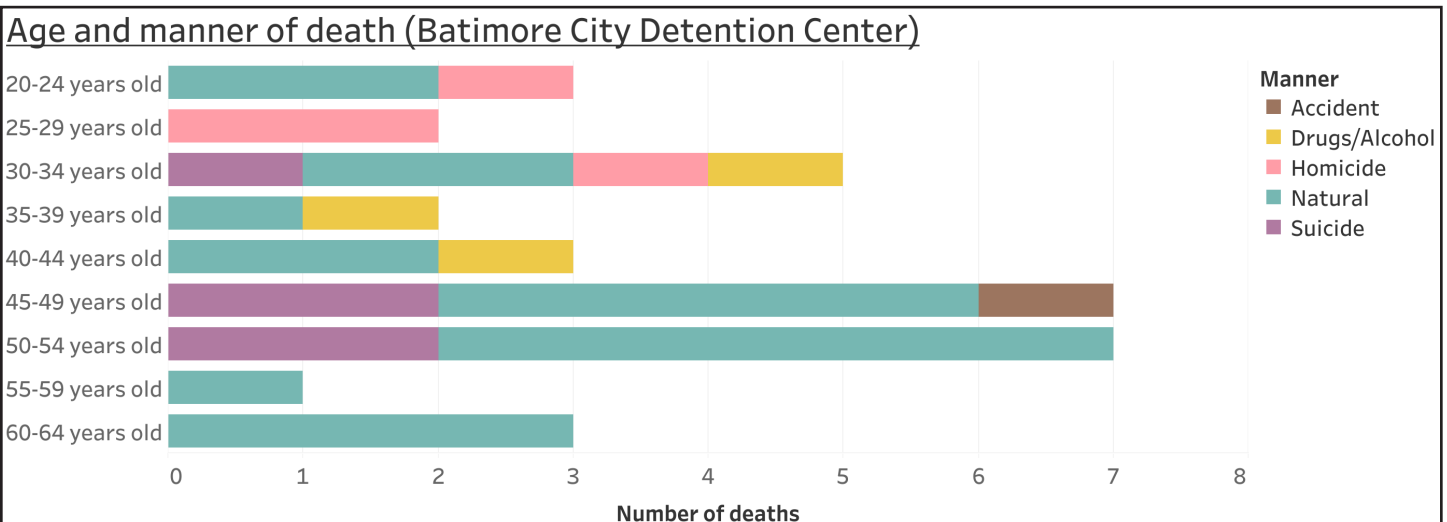
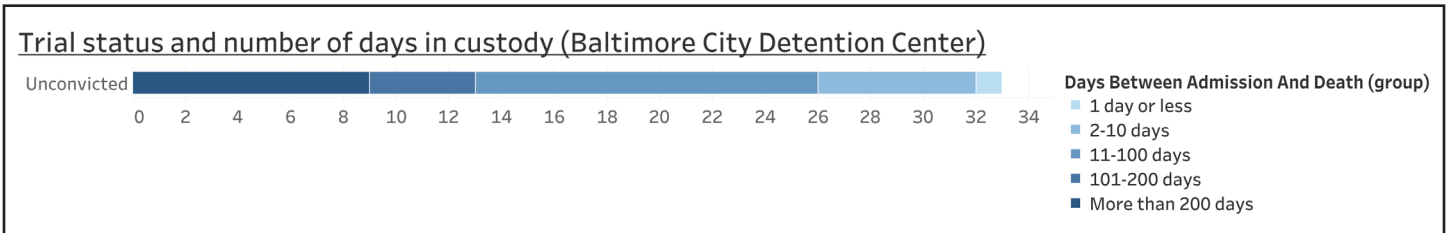
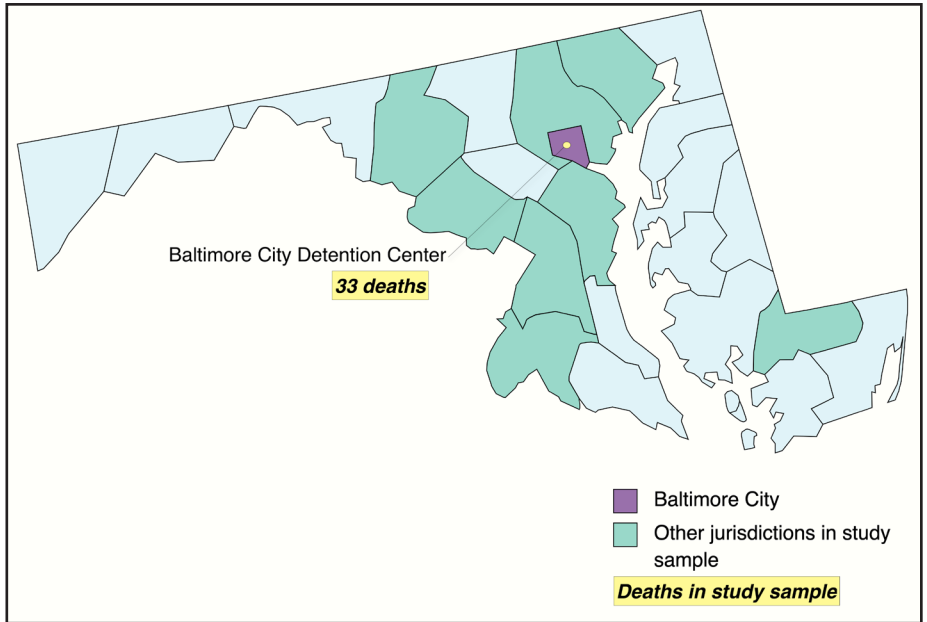
Jennifer Road Detention Center (Anne Arundel County)



Our sample contained a total of 33 deaths in Baltimore City Detention Center.* Of these decedents, 20 were identified as Black men, 5 as white men, 5 as Black women, and 3 as white women. The most common manner of death was natural (n=20), followed by suicide (n=5), homicide (n=4), drugs/alcohol (n=3), and accident (n=1). The overall most common cause of death was asphyxia-hanging (n=5), while the most common causes of natural death were all related to cardiac distress (n=8). The average age for all deaths was 42.94 years, while the average age for natural deaths was 46.1 years. The median length of stay in the detention center prior to death was 70 days (min: 0 days; max: 925 days). All decedents (100 percent; n=33) were unconvicted/awaiting trial at the time of death.

Baltimore City Detention Center

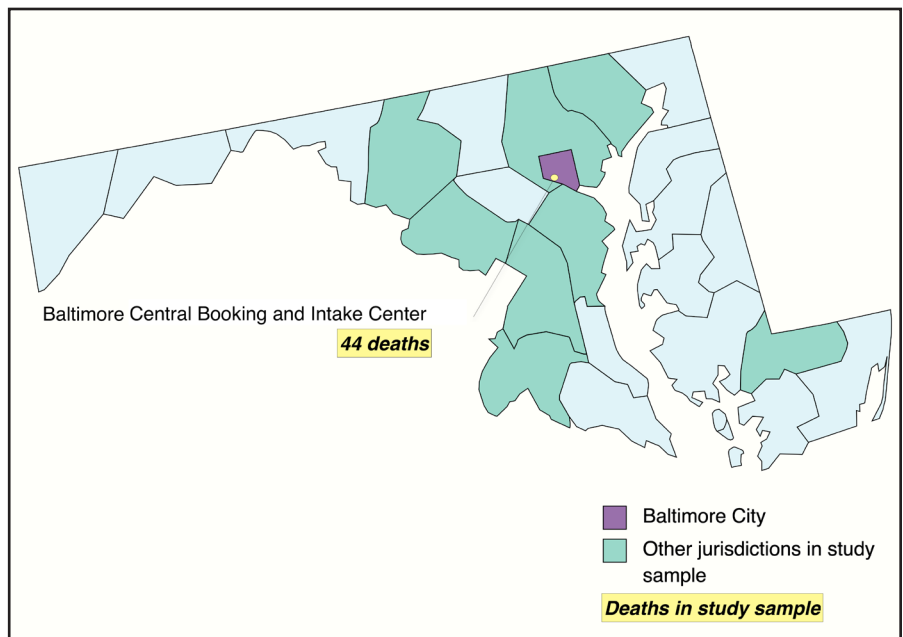
Baltimore City Detention Center was permanently closed in 2015. All deaths in our study sample occurring in that facility took place between 2008 and 2015.



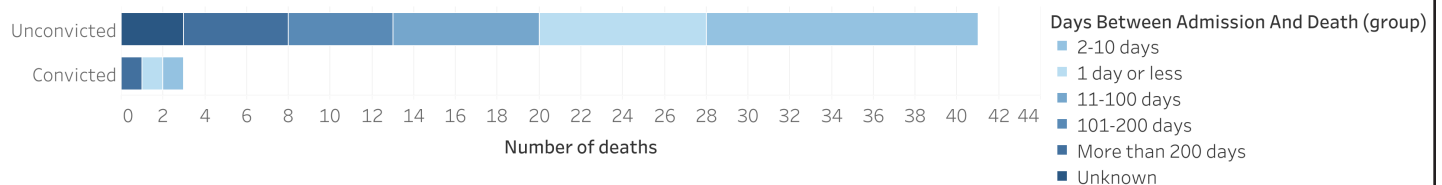
Our sample contained a total of 44 deaths in Baltimore Central Booking and Intake Center. Of these decedents, 28 were identified as Black men, 13 as white men, 1 as a Hispanic man, 1 as an Asian man, and 1 as a Pacific Islander man. The most common manner of death was natural (n=26), followed by suicide (n=13), and drugs/alcohol (n=5). The overall most common cause of death was hanging (n=13), while the most common cause of natural death was related to cardiac distress (n=11). The average age for all deaths was 48.20 years, while the average age for natural deaths was 51.08 years. The date of incarceration was not reported for 3 decedents, and therefore it was impossible to calculate the number of days incarcerated before death for these individuals. Of the remaining 41 deaths, the median length of stay in the detention center prior to death was 9 days (min: 0 days; max: 1093 days). 93.18 percent of decedents (n=41) were unconvicted/awaiting trial at the time of death.

Baltimore Central Booking and Intake Center

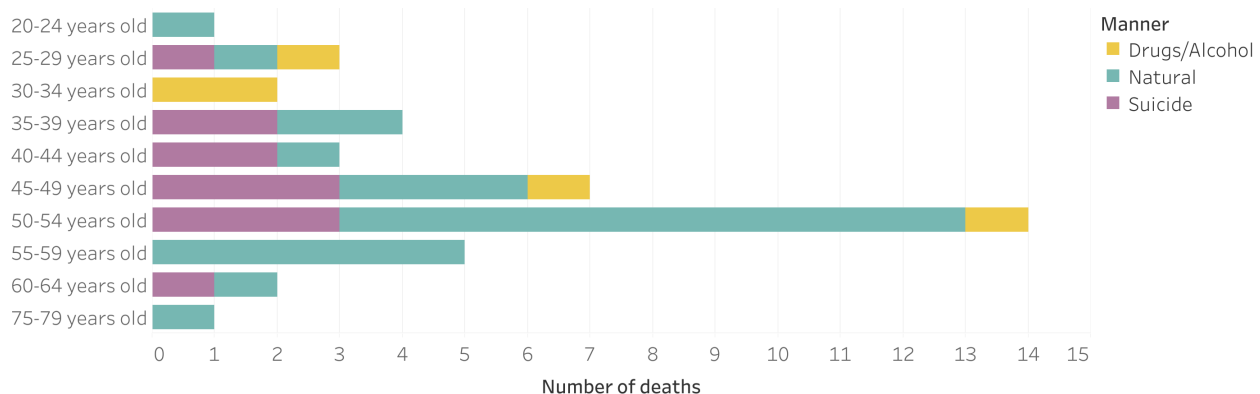
In the BJS data set, there are discrepancies between reported age and calculated age (based on date of birth and date of death) for 5 decedents at this facility. Our analysis uses the calculated age rather than the reported age.



Trial status and number of days in custody (Baltimore City Central Booking and Intake Center)

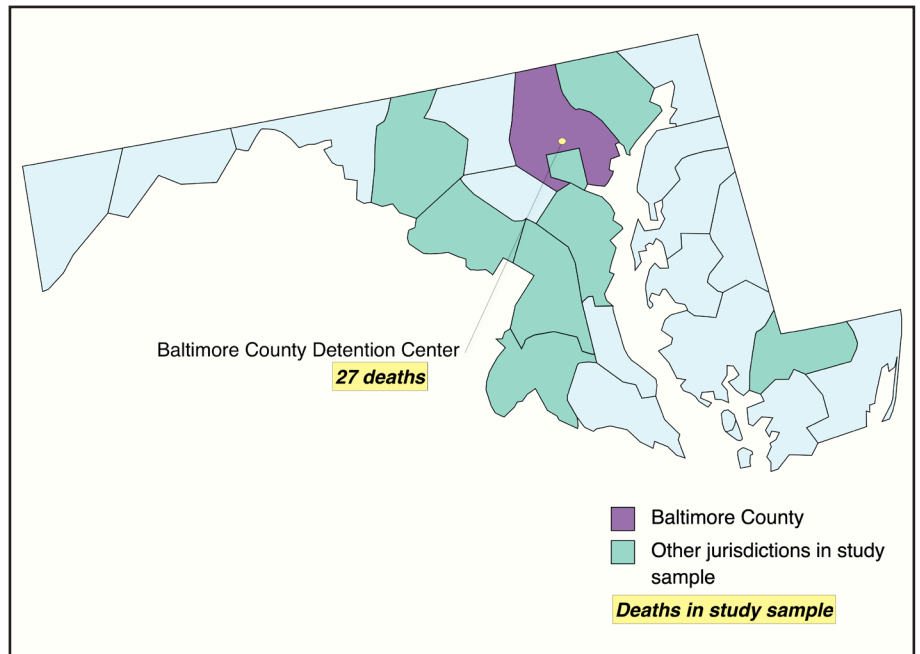


Age and manner of death (Baltimore City Central Booking and Detention Center)

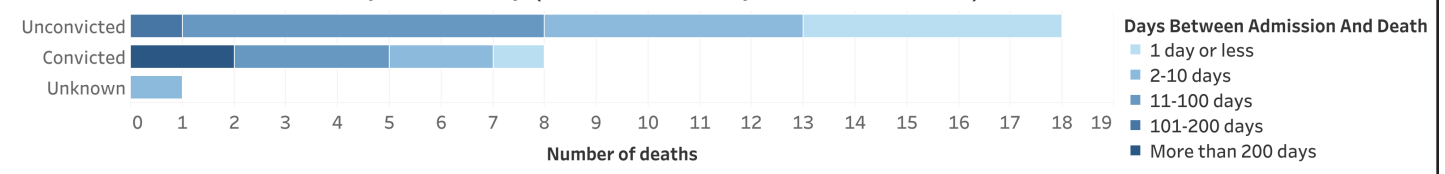


Our sample contained a total of 27 deaths in Baltimore County Detention Center. Of these decedents, 14 were identified as Black men, 10 as white men, 1 as a Black woman, and 2 as white women. The most common manner of death was natural (n=15), followed by suicide (n=11) and drugs/alcohol (n=1). The overall most common cause of death was hanging (n=9), while the most common cause of natural death was cardiac arrest (in one case called “cardiac issues”) (n=4).. The average age for all deaths was 44.63 years, while the average age for natural deaths was 48.13 years. The median length of stay in the detention center prior to death was 10 days (min: 0 days; max: 306 days). Trial status for one decedent was omitted. Of the decedents for whom such information was available, 69.23 percent (n=18/26) were unconvicted/awaiting trial at the time of death.

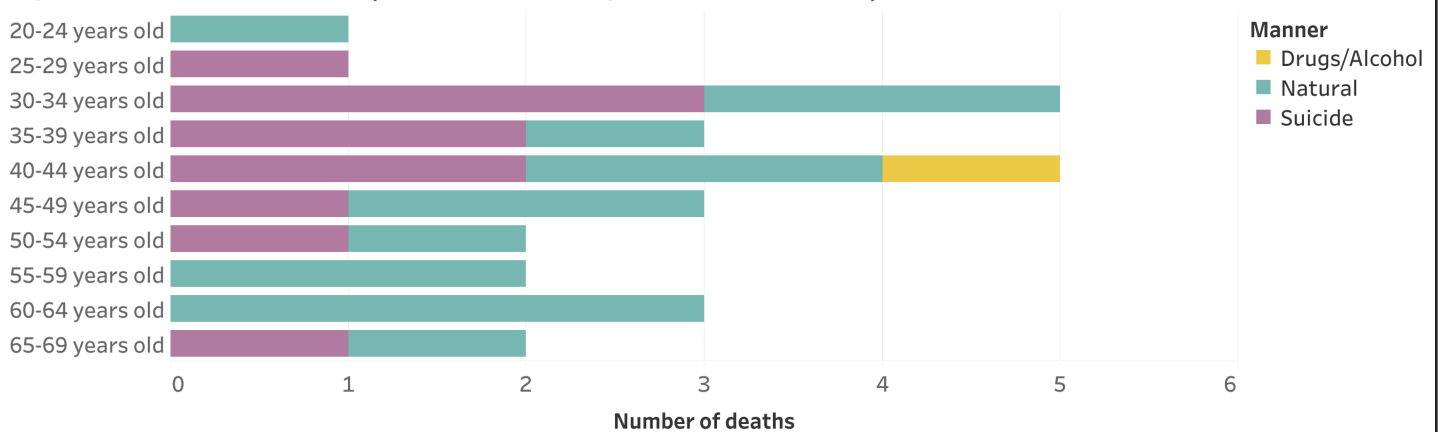
Baltimore County Detention Center



Trial status and number of days in custody (Baltimore County Detention Center)

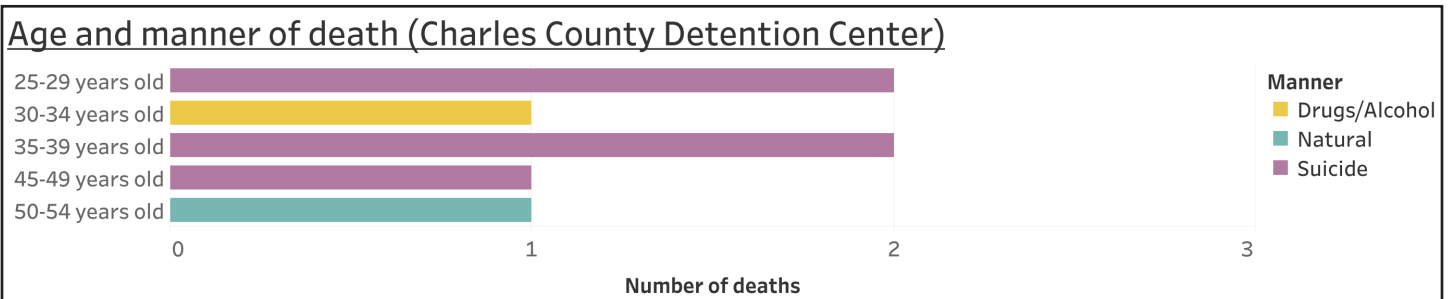
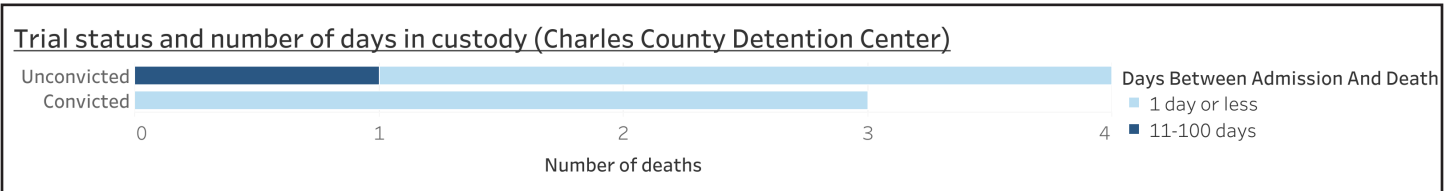
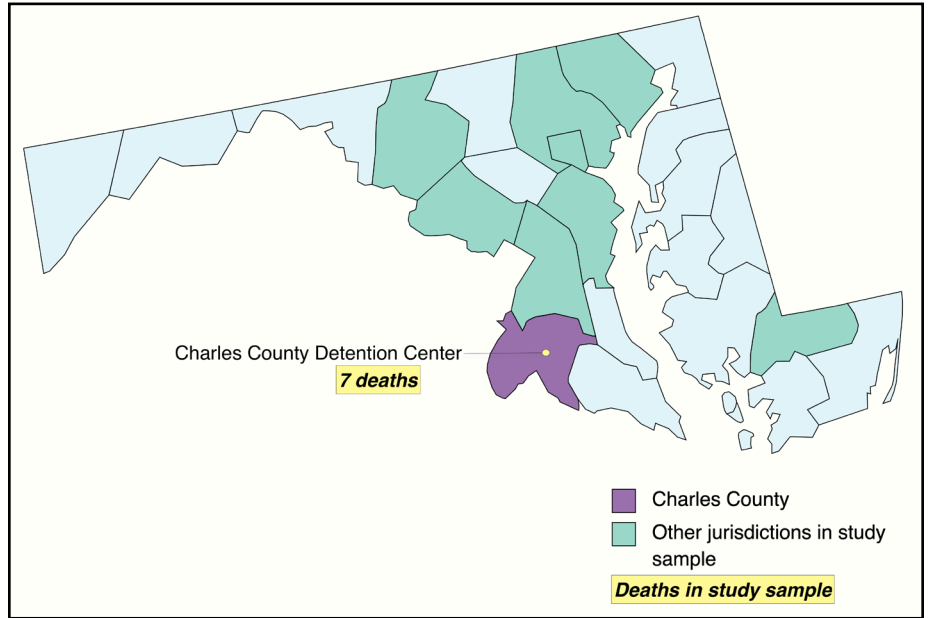


Age and manner of death (Baltimore County Detention Center)



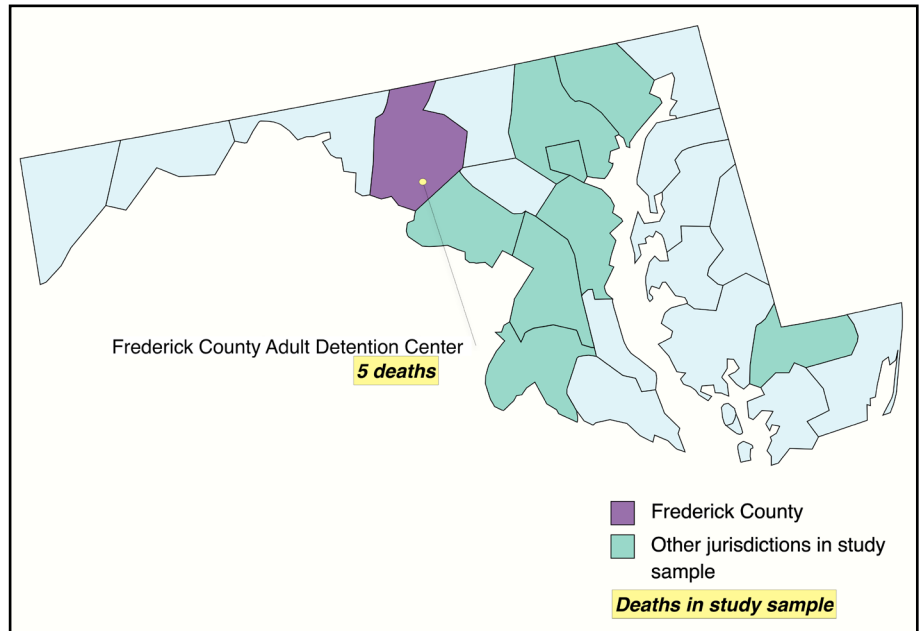
Charles County Detention Center

Our sample contained a total of 7 deaths in Charles County Detention Center. Of these decedents, 2 were identified as Black men, 3 as white men, and 2 as white women. The most common manner of death was suicide (n=5), followed by drugs/alcohol (n=1) and natural (n=1). The data reported by Charles County Detention Center did not include cause of death information adequate for inclusion in this analysis. The average age for all deaths was 36.71 years. We could only calculate age of death for one natural death; that age of death was 51 years. The median length of stay in the detention center prior to death was 3 days (min: 0 days; max: 35 days). 57.15 percent of decedents (n=4) were unconvicted/awaiting trial at the time of death.

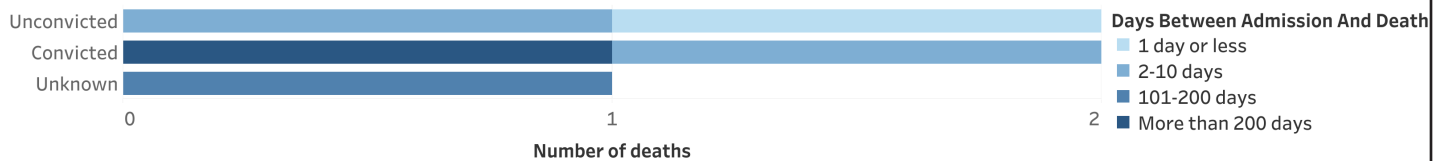


Frederick County Adult Detention Center

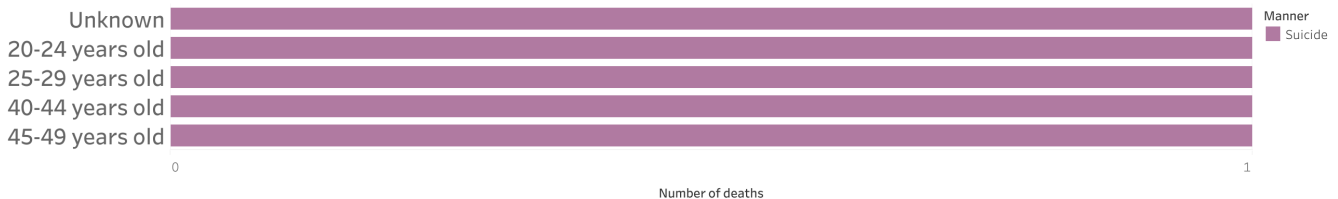
Our sample contained a total of 5 deaths in Frederick County Adult Detention Center. Of these decedents, 4 were identified as white men and 1 as a white woman. The data reported by the Frederick County Detention Center includes only suicide deaths, and does not include cause of death information adequate for inclusion in this analysis. Ages are provided only for four of the five decedents; the average age of death based on the data provided is 34 years (n=4). The median length of stay in the detention center prior to death was 2 days (minimum 0 days; max: 973 days). 60 percent of decedents (n=3) were unconvicted/awaiting trial at the time of death.



Trial status and number of days in custody (Frederick County Adult Detention Center)

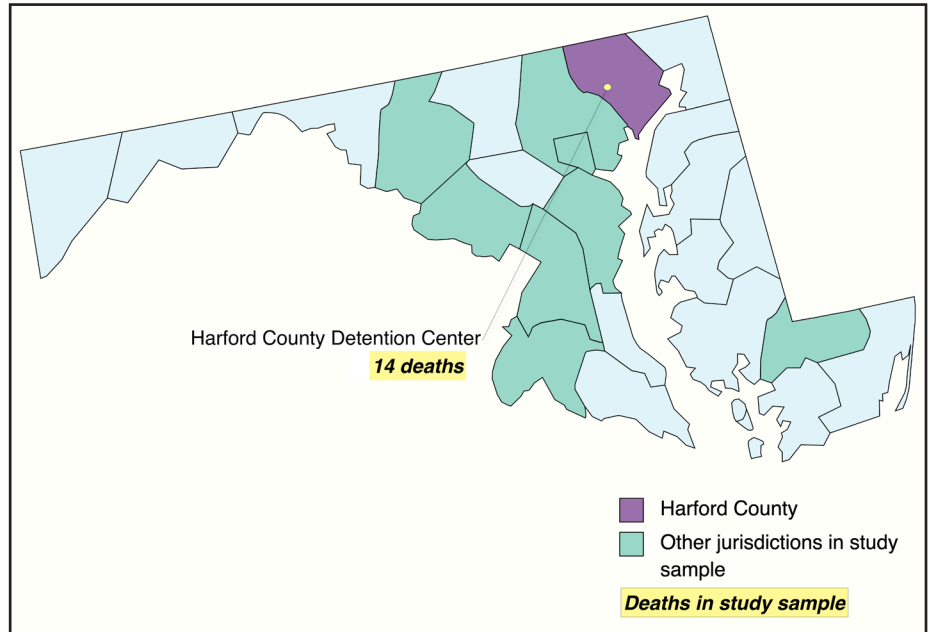


Age and manner of death (Frederick County Adult Detention Center)

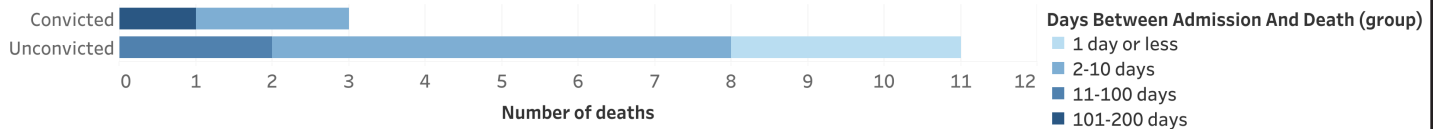


Harford County Detention Center

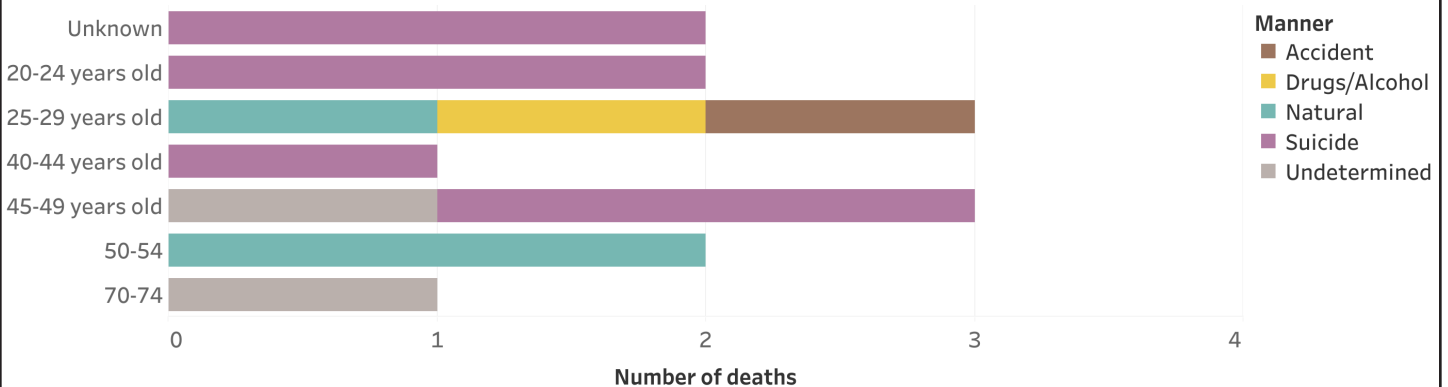
Our sample contained a total of 14 deaths in Harford County Detention Center. Of these decedents, 3 were Black men and 11 were white men. The most common manner of death was suicide (n=7), followed by natural (n=3), undetermined (n=2), drugs/alcohol (n=1), and accident (n=1). All three natural deaths are attributed in the reported data to cardiac arrest. The average age for all deaths was 40.5 years, while the average age for natural deaths was 45.3 years. The median length of stay in the detention center prior to death was 6 days. 84.62 percent of decedents (n=11) were unconvicted/awaiting trial at the time of death. The median length of stay in the detention center prior to death was 6 days (min: 0 days; max: 173 days).



Trial status and number of days in custody (Harford County Detention Center)

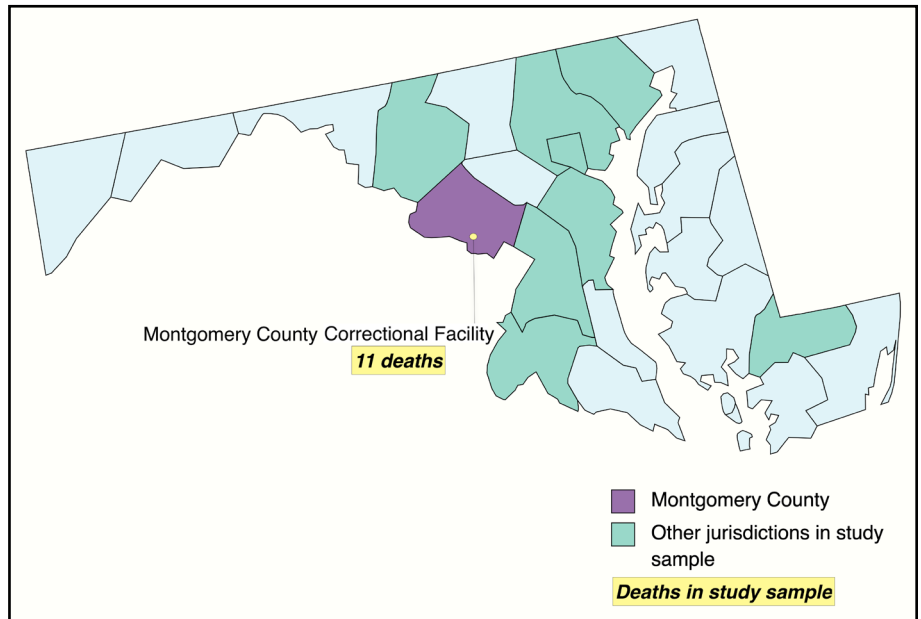


Age and manner of death (Harford County Detention Center)

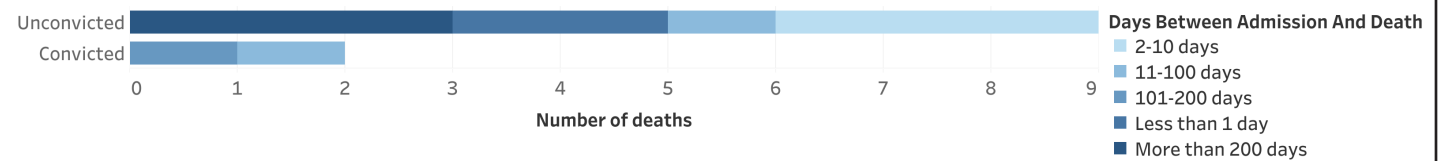


Our sample contained a total of 11 deaths in Montgomery County Correctional Facility, including Montgomery County Detention Center (MCDC). Of these decedents, 6 were identified as Black men, 4 as white men, and 1 as a Black woman. The most common manner of death was suicide (n=6), followed by natural (n=2). Manner of death information for 3 deaths was unreported. The data reported did not include cause of death information adequate for inclusion in this analysis. The average age for all deaths was 40.9 years, while the average age for natural deaths was 46 years. The median length of stay in the detention center prior to death was 11 days (min 0 days; max: 797 days). 81.81 percent of decedents (n=9) were unconvicted/awaiting trial at the time of death.

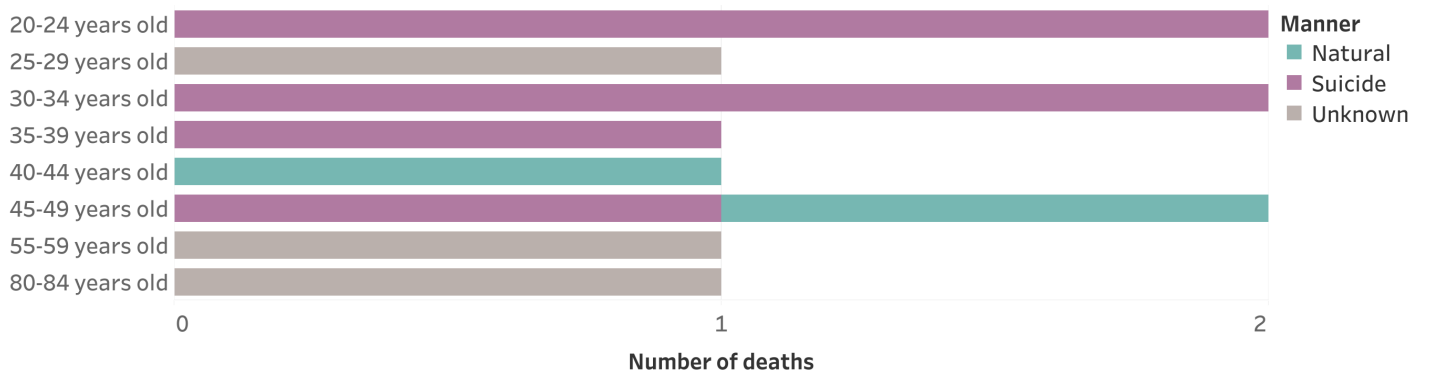
Montgomery County Correctional Facility (+MCDC)



Trial status and number of days in custody (Montgomery County Correctional Facility)

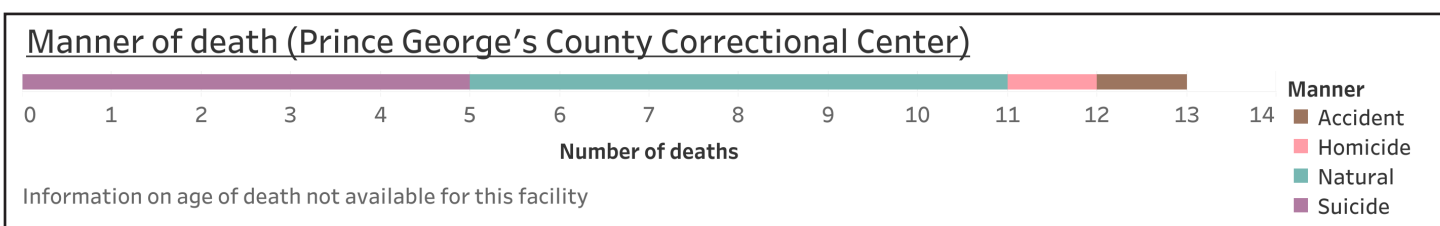
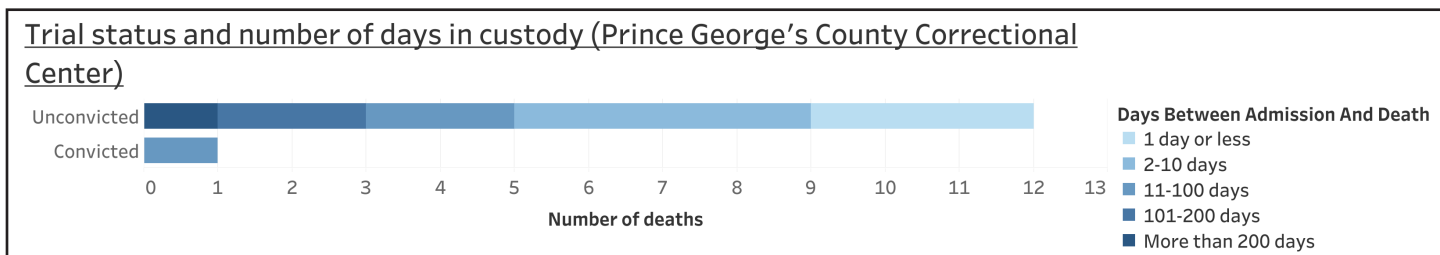
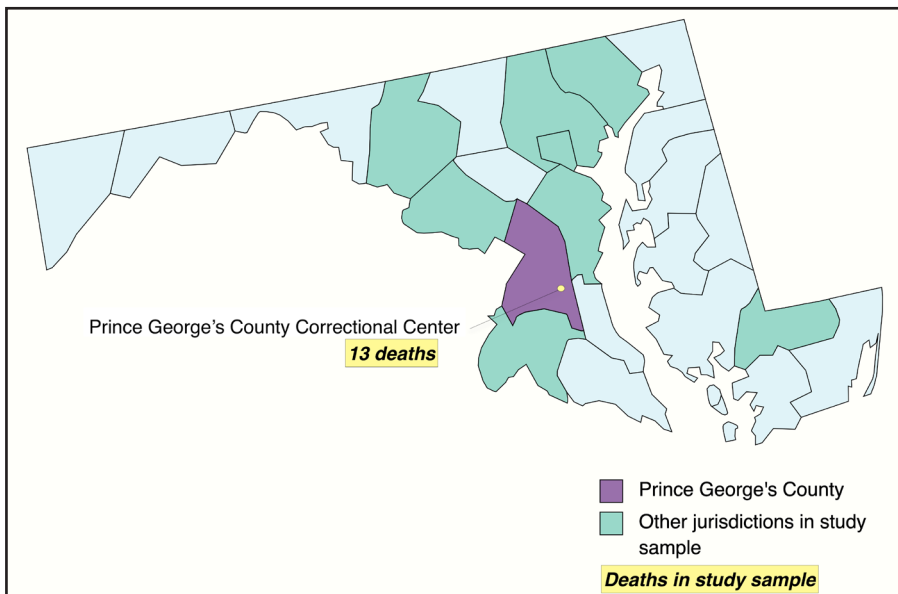


Age and manner of death (Montgomery County Correctional Facility)



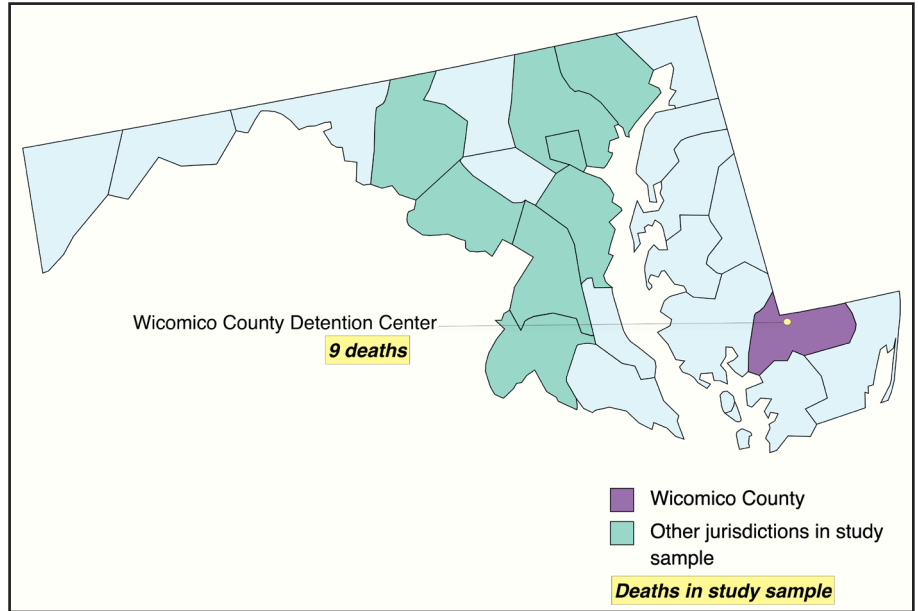
Prince George's County Correctional Center

Our sample contained a total of 13 deaths in Prince George's County Correctional Center. Of these decedents, 10 were identified as Black men, 2 as white men, and 1 as a Hispanic man. The most common manner of death was natural (n=6), followed by suicide (n=5), homicide (n=1), and accident (n=1). The data reported did not include cause of death information adequate to inclusion in this analysis. No ages could be calculated from the data reported. The median length of stay in the detention center prior to death was 8 days (min: 1 day; max: 910 days). 92.31 percent of decedents (n=12) were unconvicted/awaiting trial at the time of death.

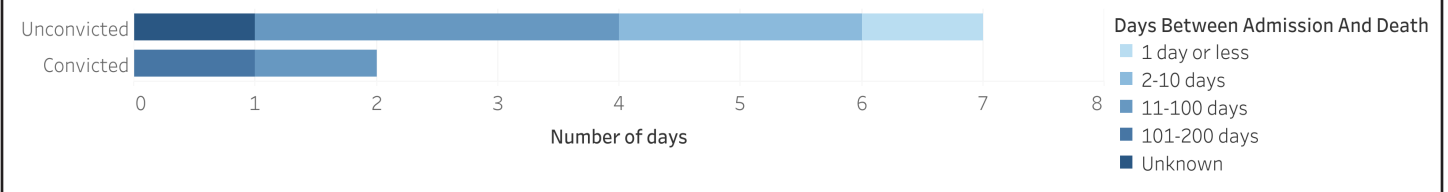


Wicomico County Detention Center

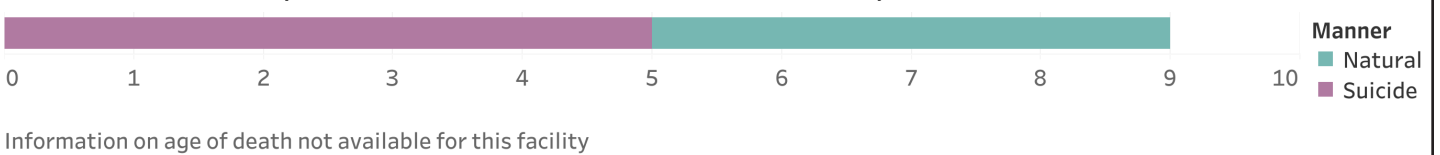
Our sample contained a total of 9 deaths in Wicomico County Detention Center. Of these decedents, 2 were identified as Black men, 6 as white men, and 1 as a white woman. The most common manner of death was suicide (n=5), followed by natural (n=4). The data reported included no cause of death information for suicide deaths. The most common cause of natural death was “cardiovascular disease” (n=2). No ages could be calculated from the data reported. Date of admission for one decedent is omitted from the data. The median length of stay in the detention center prior to death, calculated from the 8 provided values, was 18 days (min: 1 day; max: 138 days). 77.78 percent of decedents (n=7) were unconvicted/awaiting trial at the time of death.



Trial status and number of days in custody (Wicomico County Detention Center)



Manner of death (Wicomico County Correctional Center)



August 2023

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For correspondence contact: Dr. Terence Keel
at biostudieslab@ucla.edu

Carmen Johnson is the founder of Helping Ourselves to Transform and the Director of Court Watch and Judicial Accountability for Life After Release.

Terence Keel is the founder and director of the BioCritical Studies Lab and a Professor at UCLA.

Alexander Li, Anna Robinson-Sweet, & Grace Sosa are research affiliates of the BioCritical Studies Lab.

Elizabeth Rossi is the Director of Strategic Initiatives at Civil Rights Corps.

Jonah Walters is a research affiliate of the BioCritical Studies Lab and a Postdoctoral Fellow at UCLA.



Sign-On Letter for Organizations SB36_HB565 (13) (

Uploaded by: Elizabeth Rossi

Position: FAV



February 23, 2024

Dear Chairman Delegate Luke Clippinger and Chairman Senator Will Smith

Sponsors: Delegate Simmons and Senator Benson,

Re: Maryland Deaths in Custody Oversight Board SB036 partnered bill HB565

We, the undersigned organizations, write in support of Senate Bill 36 and House Bill 565. There is an ongoing national epidemic of in-custody deaths in the United States, and the crisis in Maryland is particularly acute. According to data that was belatedly released by the Maryland Department of Public Safety and Correctional Services only a few weeks ago—in response to a Maryland Public Information Act request filed in Civil Rights Corps in 2022—approximately 885 people died while in state custody from January 2009 to March 2023.

This outrageous number can be contextualized by a recent report from the UCLA BioCritical Studies Lab, Civil Rights Corps, and Helping Ourselves to Transform, which analyzed a sample of 180 self-reported deaths in 10 city and county jails in Maryland between 2008 and 2019—a number that represents only a small portion of the total in-custody deaths in this period, which estimated to be over 1,000. The findings are staggering:

- The **majority of people—over 80 percent—who died in custody were awaiting trial**, meaning they had not been convicted of any crime at the time of their death.
- Almost half of the people in the study sample died within 10 days of being detained in jail. **More than 1 in 6 died within one day**. These findings suggest that any length of pretrial detention in Maryland could mean a potential death sentence for many people.
- The jails with the most in-custody deaths are located in jurisdictions with both high rates of poverty and large numbers of Black residents. The strong correlation between these factors indicates that when detained, **Black and low-income Maryland residents are particularly at risk of in-custody death**.

The in-custody deaths crisis in Maryland presents major questions regarding basic constitutional protections for people awaiting trial. A system that confers potential death sentences onto people, many of whom have not been convicted of any crime, without due process is inhumane and undermines the basic principles of equal justice under law.



It is likely that many of these deaths result from use of force and neglect within the criminal legal system. At best, these findings demonstrate gross negligence from Maryland officials in ensuring jail conditions meet basic safety standards. At worst, they show remarkable complicity in systemic injustice and complete disregard for the sanctity of human life.

As advocates, as loved ones, and as members of the public, we have had limited access to information regarding these deaths, as underscored by the difficulty we have experienced in even obtaining the data mentioned above. It is clear that there is a major data and information transparency problem at the heart of the in-custody deaths crisis. Insufficient reporting practices, inconsistent record keeping, and high barriers to public access of key information regarding in-custody deaths prevent meaningful action and accountability. The lack of transparency around in-custody death data is a moral and administrative failure, denying family and community members of the fundamental human right to accurately determine the cause of death of a loved one, and only serves to further hide the full extent of the in-custody deaths crisis in Maryland from public view.

Senate Bill 36 and House Bill 565 offer a clear path forward. The legislation guarantees that pertinent details regarding individual in-custody deaths will be made accessible to the public, identifying and rectifying the primary causes of such deaths while safeguarding the well-being and dignity of those in custody. In addition, the legislation will establish an independent Oversight Board that will conduct thorough reviews of all in-custody deaths in Maryland, provide recommendations for preventing similar deaths, and oversee the implementation of these suggestions.

We believe that by enacting this legislation, Maryland can set a national precedent by demonstrating a firm commitment to public transparency and accountability, as well as reducing the number of in-custody deaths through improved adherence to established procedures and policies. The in-custody death crisis in Maryland requires immediate political intervention, and state and local leaders have a moral responsibility to protect the lives of people in custody. For many Maryland residents, this is literally a matter of life and death.

For these reasons, we urge you to support Senate Bill 36 and House Bill 565. Thank you for your time.

Sincerely,



Civil Rights Corps



The BioCritical Studies Lab

UCLA BioCritical Studies Lab



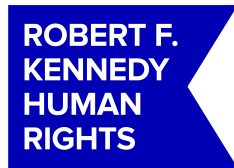
Life After Release



Zealous



Color of Change



Robert F. Kennedy Human Rights



University of Baltimore Center for Criminal Justice Reform



ACLU Maryland



Maryland Alliance for Justice Reform



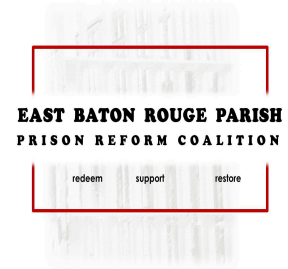
Maryland Office of the Public Defender



Progressive Maryland



Public Justice Center



**No Struggle
No Success**

Texas Jail Project

ALC Court Watch

**East Baton Rouge
Parish Prison
Reform Coalition**

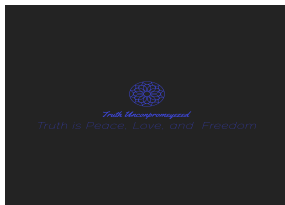


P.R.E.A.C.H.

**Abolitionist Law
Center**

**Prison Policy
Initiative**

**United Nations
Association of the
National Capital
Area**



**Truth
UnCONPromeyezed
Media**

**The Ladies of
HOPE Ministries,
Inc.**

**Juvenile Law
Center**

**4Him Covenant
Church**



Rectify, Inc.



**Southern Christian
Leadership
Conference**

In-Custody Deaths Letter.pdf

Uploaded by: Elizabeth Wheaton

Position: FAV

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.
-

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,
Courtwatch PG

epwheaton@yahoo.com/ 240-393-2538

Mar 7 Testimony.pdf

Uploaded by: Ella Feng

Position: FAV

Dear council members and distinguished delegates:

Good afternoon,

My name is Ella Feng and I am a law and policy research intern at Helping Ourselves to Transform under Dr Carmen Johnson, after my graduation from Georgetown Law. Today, on behalf of my organization, I stand before you to strongly endorse SB 0036 and HB 565, legislation aimed at addressing the harrowing human rights crisis of deaths occurring in custody.

As someone deeply committed to criminal law and criminal justice, I was profoundly disturbed upon reviewing the *In Custody Deaths Report for 10 Counties in Maryland Jail/Prison*. This report revealed a disturbing trend: in-custody violence and death disproportionately affect people of color and those residing in low-income neighborhoods. Moreover, the existing data on such deaths is incomplete and inaccurate, raising significant questions about accountability and transparency in measuring the number and causes of deaths in custody. It is undoubted that improved reporting protocols are urgently needed.

On the other hand, access to vital information regarding these deaths is paramount for research institutions to conduct thorough investigations into their root causes and provide informed guidance for future policymaking.

However, the lack of reliable documentation and transparent reporting mechanisms silences the voices of those impacted by in-custody deaths within our legal system, further endangering the lives and safety of many Maryland residents.

Recognizing the transformative power of accurate and transparent reporting in shaping policy, fostering accountability, and advocating for systemic change, I am committed to advocating for immediate action on the recommendations addressed in this bill.

In conclusion, it is imperative for the council to take decisive action to address the longstanding crisis of deaths occurring in custody in Maryland. This issue requires a comprehensive and collaborative effort to reform our criminal justice system and safeguard the well-being of all individuals within the detention facilities.

Thank you for your attention. I earnestly implore your support for HB 565 and SB 0036.

Sincerely,
Ella Feng

36 Testimonies Supporting HB565-SB0036.pdf

Uploaded by: Ellora Israni

Position: FAV

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Luke Clippinger, Chairman Senator Will Smith, and Members of the Judiciary Committee and Senate Judicial Proceedings Committee,

This document includes written testimony supporting HB565 and SB0036 from the following thirty-six concerned citizens and organizations:

1. Anita Wiest
2. Armand Davila
3. Bailey Cummings
4. Cassidy Kristal-Cohen
5. Danielle Dupuy
6. Ella Feng
7. Emma Breault
8. Erica Tucker Haygood
9. Erin Cloud
10. Harriet Jacobs
11. Janet Tupper
12. Karen Francisco
13. Karen Smith
14. Micah Clark Moody
15. Micah Levey
16. Peter Santina
17. Shellielle Nanan
18. Taylor Belfield
19. Tom Mathis
20. Van Cherry Green
21. Michael Williams
22. Verlyn Tarlton
23. Teagan Murphy
24. Shalinda Speight
25. Barbara Kazdan
26. Kimberly Jones
27. Fran Nelson
28. Mary Bechle
29. Samantha Heckler
30. LaKeasha Coley
31. Ralph Daniel
32. Shawnde Sousa
33. Melissa Springer
34. Barbara Blackmond
35. 4Him Covenant Church
36. Helen Rodgers

Thank you for your time and effort surrounding this bill. I hope the diverse perspectives and unique stories on the following pages will show you how deeply Maryland residents support HB565 and SB0036.

Sincerely,

Your Constituents

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Michael Williams, and I live in Upper Marlboro, Maryland. I am writing as a concerned citizen. I strongly support HB565 and SB0036 because this bill addresses the longstanding and ongoing national crisis of deaths occurring in custody because many of these tragic incidents result from unnecessary use of force and neglect within the criminal legal system. I have worked in the criminal legal system for over 30 years and have seen the devastation caused by negligent law enforcement and corrections “professionals.”

An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because it will help ensure transparency and accountability within Maryland’s custody system. It will also ensure that when an individual dies while in custody, the pertinent details become publicly accessible.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what’s happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Michael Williams

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Teagan Murphy and I live in Bethesda, Maryland. I am a research assistant at the University of Maryland, College Park. I am writing to support HB565 and SB0036 because an arrest should never equal a death sentence.

I volunteer with Courtwatch PG observing bond hearings that take place in the Prince George's County Upper Marlboro Courthouse. Every day, we witness the callous behavior and arbitrary decision-making of state actors toward our community members, including but not limited to: unaffordable bonds assigned by commissioners and supported by prosecutors; excessive no-bond orders by judges when conditions of release were feasible and appropriate; and— perhaps most egregious— hundreds of community members given the option of "pretrial release," only to be held for weeks or months pending trial as the Office of Pretrial Services fails to process or review their case in a timely manner. These harmful actions, coupled with the fact that a majority of in-custody deaths occur in Maryland while the decedent is awaiting trial, highlight a horrendous yet often overlooked injustice of our criminal legal system— one in which a pretrial hold can effectively become a death sentence.

An oversight board— particularly one that includes formerly incarcerated community members— is a step in the right direction to ensuring that our community members are protected from fatal harm as they are forced to navigate the criminal legal system.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Teagan Murphy

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Shelinda Speight, and I live in Charles County, Maryland. I am a Maryland resident, devoted mother, daughter, aunt, and a sister of an incarcerated brother who has been serving 29 years for a crime he did not commit. I will fight until the end to ensure he regains his freedom and justice is served.

I am writing to support HB565 and SB0036 100% because I have a brother who is currently in prison. I never want my family and I to experience any type of this nonsense. I became interested and passionate about this issue after hearing horrible stories from my brother while in prison, like how he actually witnessed and saw people die in front of him (not only once, but five times) and also from reading articles about other loved ones dying in prison. This really breaks my heart.

I think an oversight board investigating deaths in custody in Maryland is extremely important because everyone who's involved (inmates, guards, and the warden) should be held accountable if they witness anything that bring danger to the facility.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Shelinda Speight

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Barbara Kazdan and I am a concerned old lady living in Silver Spring. I am writing to support HB565 and SB0036 because individuals sentenced to prison time ARE NOT SENTENCED TO DEATH!

I'm concerned about better reporting for in-custody deaths on humanitarian grounds. There are many cases of people being wrongfully convicted, and even those guilty of crimes that carry a life sentence are often released on appeal. I'm against the death penalty, and CERTAINLY death by incarceration. An oversight board investigating deaths in custody is an important safeguard for protecting the lives and safety of Marylanders.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Barbara Kazdan

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Kimberly Jones and I am writing as a concerned citizen. I support HB565 and SB0036 because too many people die in the prison system. I would like to see that the families have closure in these circumstances. An oversight board investigating deaths in custody is important because it is very important to the parties involved in these situations.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Kimberly Jones

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Fran Nelson and I am a Court Watch volunteer for the Wisconsin transformational justice nonprofit Esther and Wisdom. I am writing to support HB565 and SB0036 because three deaths have occurred in the Waupun state prison in a few months during the maximum prison lockdowns continuing in Wisconsin. Lockdowns producing more media attention to deaths in custody is what made me into someone who is interested in better reporting for in-custody deaths. An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because every state and federal prison needs oversight.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Fran Nelson

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Mary Bechle. I am a volunteer for Esther, a social justice organization, and actively involved in courtwatch and criminal justice. I am a former probation/parole agent who literally witnessed how many inmates were treated and prejudiced. An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because there is no transparency in our legal system. It is a system that has been operating with little to no accountability and this needs to end!

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Mary Bechle

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Samantha Heckler, and I am a concerned citizen. I am writing to support HB565 and SB0036 because too many people die in jail with no state accountability. I have no personal experience, however I feel it's important to have transparency and accountability in this manner. I would never want to see someone I know or a loved one have a situation where they aren't safe and no accountability if something happened. I think an oversight board investigating deaths in custody is important to protect the lives of those serving their sentences in jail and holding someone accountable for anything that happens.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Samantha Heckler

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is LaKeasha Coley and I live in Fort Washington, Maryland. I am a concerned citizen and formerly incarcerated mother of Prince George's Maryland. I am writing to support HB565 and SB0036 because unfortunately, there are far too many unwarranted deaths in the local jail that have a desideratum for resolution.

I have a loved one who was tragically injured by getting stabbed in the head after a correctional officer opened up his cell for six men to come in. He stated in plain English, "kill him." This officer is still currently employed and working in the same unity with those who were attacked. An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because there is no accountability within the system and the desideratum for oversight is clear and apparent.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

LaKeasha Coley

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Ralph Daniel and I live in Springdale, Maryland. I am a social activist and I am writing to support HB565 and SB0036 because it's time to shine the light on those deaths of incarcerated individuals. I became interested in better reporting for in-custody deaths by reading numerous stories of the unexplained deaths of men in the NYC prison system. An oversight board investigating deaths in custody is important in Maryland because tis be time to shine the light on these deaths.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Ralph Daniel

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Shawnde Sousa and I live in Upper Marlboro, Maryland. I am the mother of an incarcerated child. I am writing to support HB565 and SB0036 because my family member is currently incarcerated and has been beaten by officers, and had another inmate not informed me of the incident, I'm scared to think what may have happened to him.

My son has recently had an encounter with officers where he had to be taken to shock trauma for treatment and the facility acted very slowly in getting him the treatment he needed because they were probably trying to cover up the incident. It took them over 5 hours to get him to the hospital and anything could have happened to him in that time. No one should have to suffer that kind of incompetence or negligence.

An oversight board investigating deaths in custody in Maryland is important for protecting the lives and safety of Marylanders because they can be the voice of the voiceless.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Shawnde Sousa

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Melissa Springer and I'm a concerned citizen and an advocate for returning citizens and incarcerated people, and an advocate for vulnerable children and adults. I'm an advocate for incarcerated people and prison and jail reform is need to help people rehabilitate. An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because people are supposed to be protected while they are in custody. Staff are being paid to protect people in custody. Rehabilitation involves people safety.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Melissa Springer

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Barbara Blackmond and I am a court watcher with Courtwatch PG. I am writing to support HB565 and SB0036 because every jail and prison should have oversight because too many people die while incarcerated. I have been a courtwatcher for several years in different jurisdictions. Too many people are incarcerated for being poor. There should be NO deaths in jails and prisons. People awaiting trial because they are too poor to afford bail, who have not been convicted of a crime, are exposed to terrible conditions. Some do not receive their medications. This should not be happening anywhere in America.

An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because oversight is necessary for accountability. The existence of an oversight board, in itself, will deter harmful practices.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Barbara Blackmond

Feb. 29, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

4Him Covenant Church of Bowie, Maryland is a nonprofit religious organization writing to support HB565 and SB0036. We support this bill because we believe in the work of Dr. Carmen Johnson and Life After Release concerning the fair treatment of incarcerated members. We had a meeting with Dr. Johnson's organization, which was very eye-opening. We had never heard of the maltreatment of inmates or the plight of formerly incarcerated people. But we believe that the health and well-being of inmates is vital to the community because people are people, and people are worth saving. We believe an impartial oversight board investigating deaths in custody is important for doing the work to protect the lives and safety of Marylanders.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

4Him Covenant Church

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Armand Davila. I live in Washington, D.C. and I am a concerned citizen and relative of a formerly incarcerated individual. I am writing to support HB565 and SB0036 because my family member was recently incarcerated, and witnessed the most inhumane levels of treatment that robbed people of their dignity and agency, not to mention sometimes their lives. I am interested in better reporting for in-custody deaths because I personally know someone who was incarcerated for a non-violent crime, yet suffered the most heinous physical and mental abuse that anyone could imagine. They have repaid their debt to society but are living with the scars of the abuse leveled upon them. An oversight board investigating deaths in custody is important in Maryland because at the very least, it might discourage the rampant abuse by the penal system.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Armand Davila

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Bailey Cummings. I live in Massachusetts, and I am a concerned citizen and attorney. I support an oversight board to review Maryland in-custody deaths because too many people die in jail with no State accountability.

I am passionate about this issue because as a law student, I had a clinic client die in custody. I have also had a friend's sibling die in custody. Both times, the deaths were not investigated nor reported, and the families were forced to grieve alone with no sense of justice for their loved ones. Institutions responsible for people's lives need to take accountability for their actions.

An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because anyone could end up in custody for all kinds of reasons, whether they do anything illegal or whether they are just suspected of it. Everyone deserves basic care and respect in custody.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Bailey Cummings

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Cassidy Kristal-Cohen. I live in Baltimore, Maryland, zip code 21218. I am also a member of the Maryland Connecting Families Coalition. The loved ones of people who die in custody deserve closure and accountability. I am passionate about the issue of in-custody deaths because I have worked, in professional and personal capacities, with people in prisons and jails since I was fifteen. The rate of deaths, particularly in jails within high poverty and majority Black neighborhoods, is unacceptable and shameful. Maryland must take urgent action to safeguard the lives of people behind bars and the oversight board is a step in the right direction.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Cassidy Kristal-Cohen

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Danielle Dupuy, and I am a Baltimore resident and mother. I am writing to support HB565 and SB0036 because jail time shouldn't be a death sentence and killing people through negligence or otherwise is unacceptable. Accountability is critical for the wellbeing of Baltimore. I am interested in better reporting for in-custody deaths because I care about humanity. An oversight board investigation Maryland in-custody deaths is an important first step towards accountability and to ensuring that the features in place that set the stage for unnecessary loss of life are ended.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Danielle Dupuy

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Ella Feng and I live in Arlington, Virginia. I am a concerned citizen and member of Helping Ourselves to Transform. I am writing to support HB565 and SB0036 because I am dedicated to making Maryland safer for everyone.

As a legal professional deeply invested in public interest and social change, my interest in better reporting for in-custody deaths stems from a profound realization of the systemic injustices prevalent within our criminal justice system. What ignited my passion for this issue was the In Custody Deaths Report for 10 Counties in Maryland Jails/Prisons, which raised significant questions about accountability, transparency, and the need for improved reporting protocols. Witnessing the gaps in reporting and accountability firsthand underscored the urgent need for reform in how we document and address in-custody deaths. Recognizing the profound impact that accurate and transparent reporting can have on shaping policies, driving accountability, and advocating for systemic change, I became committed to advocating for more robust reporting mechanisms and ensuring that the voices of those affected by in-custody deaths are heard and honored within our legal system.

An oversight board investigating deaths in custody is crucial for protecting the lives and safety of Marylanders as it ensures impartial scrutiny, accountability, and transparency in assessing the circumstances surrounding such incidents, ultimately fostering trust in the criminal justice system and safeguarding the rights and well-being of individuals in custody.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Ella Feng

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Emma Breault, and I am a concerned Baltimore City resident. I am writing to support HB565 and SB0036 because too many people die in prison with no State accountability. I am passionate about this issue because I've heard reports on how many people die unnecessarily in prisons and receive no justice. Those who enter the prison system are denied fundamental rights and basic humanity. That the State receives no consequences for preventable deaths of prisoners indicates that prisoners's lives do not matter to the State. It is up to the legislature to hold these systems accountable and ensure that human life is respected—transparency is the first step to this change.

I believe an oversight board is necessary to protect the lives of Marylanders because there needs to be transparency and accountability, and currently there is none. If the people responsible for reporting deaths are the same as those who committed them (or should have prevented them), then fabricated data is more likely. Maryland needs an external reporting committee to prevent bias in this important area.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Emma Breault

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Senator Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Erica Tucker Haygood, and I live in Accokeek, Maryland. I am writing as a concerned citizen. I am writing to support HB565 and SB0036 because I have seen firsthand the reckless disregard for human life that exists within our state's detention centers. I am passionate about this issue because I was arrested for a misdemeanor traffic violation and denied medical care at PG County Jail. An oversight board investigating deaths in custody is important because every human life should be valued and given due care while in custody of detention facility staff.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Erica Tucker Haygood

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Erin Cloud, and I am a Baltimore City Resident. My family member is currently incarcerated, and I am concerned about his safety and the conditions of his confinement. I worry about the safety of my family members every day. The lack of transparency and violence in prisons is outstanding. Every Marylander deserves safety and a chance to live with dignity. Investigating deaths in custody is important to ensure that incarcerated people's lives are not disregarded or abandoned.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Erin Cloud

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Harriet Jacobs, and I am a Baltimore City Resident. I am writing to support HB565 and SB0036 because I am dedicated to making Maryland safer for everyone. The murder of Sandra Bland is what made me into someone who is interested in better reporting for in-custody deaths. I think an oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders, hopefully, holding prisons and jails accountable, improving conditions for incarcerated people, and reducing the incarceration rates.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Harriet Jacobs

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Janet Tupper. I live in Maryland, and I am a concerned citizen member of CourtWatch Prince George's County. I support an oversight board to review Maryland in-custody deaths because too many people die in jail with no State accountability.

I am passionate about this issue because I am a participant in a community Court Watch organization and listen to bond hearings in the Prince George's County District Court. I have been shocked at the number of people detained while awaiting trial who experience grave, life-threatening illnesses and/or injuries. It is not uncommon to hear of community members in detention who have major medical concerns such as cancer, heart disease, diabetes, high risk pregnancies, or are recovering from gunshot wounds or accidents. Though the jail claims to have medical facilities to treat such community members, it is not an adequate substitute for medical care outside of the correction facility. I believe that community members with grave medical illnesses are at a much higher risk of death while incarcerated.

Accountability is so important for our court system in general, but when community members die in custody with no oversight or public explanation, it is unacceptable. The public has the right to know what happens to community members when they are incarcerated.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

JanetTupper

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Karen Francisco and I am a concerned citizen living in Sacramento, California. I am writing to support HB565 and SB0026 because too many people die in jail in EVERY state with no State accountability. I am interested in better reporting for Maryland in-custody deaths because my daughter is a resident of Maryland. I am aware of several (more than three) in-custody deaths in California, and other deaths in Maryland, New York, Texas, and other states which I have heard reported in alternative news or someone I know was aware of the deaths. An oversight board hopefully will be made up of people who care about humanity and will look closely at these in-custody deaths which is an abnormal event in wholesome society.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Karen Francisco

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Karen Smith. I live in Anne Arundel County. I am the sister of an impacted woman. I support an oversight board to review Maryland in-custody deaths because too many people are dying in jail, and no one is being held accountable for the prison deaths. I am interested in better reporting for in-custody deaths because time after time we are hearing of deaths behind the wall, and no one knows what happened or who did it. An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders. A committee should be formed to protect the lives of people behind bars.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Karen Smith

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Micah Clark Moody. I live in Chicago, Illinois. I am a former member of Foundry United Methodist Church in the DMV area have several friends in Maryland. I am writing to support HB565 and SB0036 because too many people die in prison and jail with no accountability.

I am interested in better reporting for in-custody deaths because while working in Los Angeles, I saw an incredible change when the Sheriff started promptly reporting many deaths that occur in the jail. I find it so moving that a group of reporters and activists are able to quickly cover those stories and lift up the lives of people inside as well as the sadness around their deaths. It has also helped local elected officials comment and respond to jail conditions more consistently.

For Maryland, I think it is important for family, community members, and reporters to have rapid access to information on in-custody deaths. Beyond this, it is crucial for an independent board to review these deaths so that they can support law enforcement agencies to ensure the same mistakes are never made again. This will make Maryland safer because people in Maryland include people in Maryland's jails, and an investigating board that can identify and change conditions that cause deaths will literally save future lives.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Micah Clark Moody

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Micah Levey. I live in Gaithersburg, Maryland. I am a concerned citizen, someone who was previously arrested, and an attorney. The State's primary job is to protect its citizens, so we need to know when it is not only failing to do so, but also when it is the State that is causing death.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Micah Levey

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Peter Santina. I live in California, and I am an attorney at Civil Rights Corps in Washington, D.C. and a former public defender. I am writing to support HB565 and SB0036 because far too many people die in jail and urgent intervention is needed.

As a public defender, I've talked to a lot of people who were incarcerated and understand that their life means very little to those who run the jail or prison. If there's an earthquake or fire, no one expects a quick and urgent evacuation. If they have a heart attack or a stroke, no one expects competent and timely medical attention. If they're attacked by a guard—or even another incarcerated person—no one expects the protection of the state. I've sat down with clients and talked about a potential sentence they were preparing themselves for, and we needed to have a very real discussion about the possibility that whatever that sentence is—whether 30 days or 20 years—will only end if they are lucky enough to survive incarceration. While my experience is in California, I think it's a universal experience. At the public defender's office we had clients who died in jail, whose loved ones couldn't say goodbye and were left in the dark about what happened, asking a multitude of unanswered and ignored questions, left only with confusion and pain.

An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because much more supervision and oversight is needed. Jails and prisons have a vested interest in not investigating thoroughly, lest it shed a light on their own shortcomings.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Peter Santina

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Dr. Shellielle S. Youhoing Nanan. I live in Jonesboro, Georgia. I am a Human Rights Defender, International Criminal Investigator and Human Rights Investigator, member of the American Bar Association, International Bar (IBA), International Human Rights Institute, and a member of the United Nations Association of the United States of America (UNA/USA).

Some of my close friends died in police custody and in jail without accountability. The jails are operated with our tax monies, and the government owes those incarcerated a duty to protect. We need strong legislation with teeth to bite. Jails should not get off the hook when they arrest people and cause them to die. I and the United Nations pledge that we will continue to provide whatever support it takes, we will not waver in our fight, and we will win this war.

I am interested in better reporting for in-custody deaths because I have family and close friends in the community who are victims, and we have lost family members and loved ones who died in prison. Those senseless acts are plaguing our nation, especially in the black and brown communities, and there is no transparency. These deaths are being covered up/concealed, and the families are kept in the dark. I am currently a Legal Representative to the United Nations High Commission for Human Rights. My organization investigates in-custody deaths, not only in Georgia but around the country.

My investigations reveal horrific results. I can comment briefly on two cases in Georgia that are the most horrific. One concerns an elderly disabled gentleman (75 years old) who died at the hands of Sheriff's deputies during an illegal eviction after deputies illegally threw him and his wife, who is bedridden, out of their home in 25 degree weather. He suddenly caught a stress attack and was transported to the hospital. The hospital covered up the death in order to protect law enforcement and forged the death certificate, stating that he died from COVID.

The second incident involved a 28 year old man of African American descent, a Type I diabetic who died in custody. After his death the jail and Georgia Bureau of Investigation (GBI) medical examiner covered up the death and said he died from diabetic ketoacidosis (high blood sugar). An 8-month investigation and evaluation conducted by our United Nations Investigative Counsels revealed that he was not only a victim of racial profiling, but that his death was homicide, cruel and inhumane punishment. We found that the victim, who was critically ill, who vomited blood more than 30 times, and urinated blood in continuance, was locked into his jail cell for 18 hours. During those 18 hours he was deprived food, water, and medical care. He also

died of starvation and dehydration. Furthermore, when the body was recovered, it was cold to the touch and stiff. Our United Nations Human Rights forensic team was able to determine a date and time of death, which was omitted from the death certificate, that he died at least 12 hours before the death was reported to the authorities. We continue to fight for the rights of his family and to hold those responsible to account.

It is time that our government pass necessary legislation to hold Sheriffs and jails accountable for the senseless deaths of inmates in their custody. Being arrested should not be a death sentence. An oversight board is important to end corruption, bring about transparency, hold the jails accountable, and save precious lives.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Dr. Shellielle S. Youhoing Nanan

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Anita Wiest. I live in Salisbury, Maryland and I am a concerned citizen and retired Department of Corrections (DOC) employee. I am writing to support HB565 and SB0036 because transparency is a huge issue in the DOC and families have the right to know what circumstances were involved in the death of an incarcerated individual. I am passionate about the issue of in-custody deaths from working in the Division, as well as hearing of deaths that could have been prevented. An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because imprisonment/ confinement in public institutions should be deemed safe in a free society.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Anita Wiest

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Taylor Belfield and I live in Chapel Hill, North Carolina. I am a senior in college currently attending the University of North Carolina at Chapel Hill and an intern at Helping Ourselves to Transform. I am writing to support HB565 and SB0036 because I believe that anyone who has a caring bone in their body can see that this is an issue that needs to be addressed. As someone who has had brothers and other family members incarcerated before, I couldn't imagine something like that happening to them.

I was first made aware of the issue concerning Maryland in-custody deaths by Dr. Carmen Johnson. Upon reading the reports that she had sent us interns to provide us with more information on the issue, I was astonished to see the reports. The fact that there is a statistic centered around the "misclassification of in custody deaths" is horrifying. No one should be subjugated to this type of reality and we must not turn a blind eye to the issue. Whether we have any prior knowledge of, personal affiliation, or profound passion for justice reform, this is nothing but a simple question of concern and accountability. We live in a country that promises justice to all, so we must all be held accountable for these types of issues. I believe that legislation such as this can help to make that happen.

An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because it pertains directly to them. It is imperative to remember that regardless of a crime that is committed, when in the custody of the state, they are responsible for that person's well-being. It is also important to remember that these are individuals that have not been convicted.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Taylor Belfield

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Tom J. Mathis, and I live in Lanham, Maryland. I am a concerned citizen with many friends who are either still incarcerated or were formerly incarcerated in Maryland. I am writing to support HB565 and SB0036 because I've witnessed through friends who were incarcerated die in jail with no State accountability.

My closest experience is my own cousin who was mistreated in jail for a white collar crime that she still claims her innocence today. She wrote our family many letters about the abuse that was going on while in custody. The stories were horrible and from my own friends experiences who were or are still incarcerated, I knew this should be a fight we should take. We are still humans despite the crimes. I think an oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because without it, we have no answers one way or another.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Tom J. Mathis

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Van Cherry Green, and I live in Baltimore City. I am the wife of Mr. Duryea Green, who is being held at the Hagerstown Institution. Mr. Duryea Green has had medical issues since being incarcerated. Thank you to Dr. Carmen Johnson for help getting him out of the institution to get the proper care that was needed regarding his health. My husband was bleeding from the inside that originally came out of the rectum. I knew then it was time to get him to help and care that he needed. I constantly called the infirmary and they were taking their time to get him to care that he needed. By the time that took place, my husband had passed out in the jail. I am also a mother of an incarcerated son and he needed medical attention as well. Thanks to the help of friends that are strong leaders, we helped get him the medical attention that was needed.

After all of these issues regarding medical problems, I later found out that medical institutions Behind the Walls is very important because some of them don't have family to push them to get them the care that they need. I am also informed that the inmates have been taking care of the sickly inmates that are not being treated as such. Medical care is a big issue Behind the Walls. Why do they have an infirmary if they're not doing their job? This bill needs to be passed because it is important regardless of what they are in prison for. Health issues, if known, must be treated. If not, death is behind the issue of the problem.

I am writing to support SB0036 because I am concerned regarding medical issues Behind the Wall. This is a need to be talked about as well as giving needed help for the incarcerated. My husband has been incarcerated for 20 years and has had medical issues since being Behind the Wall. The infirmary at the Hagerstown facility does not care about the loved ones Behind the Wall. I got my husband's health problems treated, with help, but what about the loved ones who does not have family members and no one to fight for them that has medical issues? If an issue needs to be addressed and it's not being taken care of, it gets worse, and sometimes turns into death. Behind the Wall, how do we fix the problem, and get the correct medical teams Behind the Walls? I would love for this bill to be passed, however, it is important to me as well as it should be for higher level leaders of Baltimore City. We need this bill to be passed because we are losing loved ones Behind the Walls because treatment is not being given while they are incarceration.

I am interested in better reporting because of my husband. When he was bleeding in jail in Hagerstown, the jail knew due to me calling constantly to get my husband the care that he needed. It had gotten so worse that the color of his skin was changing due to losing blood. Dr.

Carmen Johnson pushed as hard as she could and got him the medication he was supposed to be on from an outside doctor. When my husband got back to the MCIH infirmary, they changed his medication due to the state saying he could not take it because they were not paying for it so is it not important of his health versus the medication that was to help him? My husband almost lost his life Behind the Wall because he is not getting the care that he needs. He was later taken out to Mercy Hospital in Hagerstown, later finding out that he has cancer, so let's look at the big picture of this. Medical has always been a big issue in the prisons and now I understand the loss of loved ones who has passed on due to negligence of being cared for in medical. How do we fix the issue and the problem? It needs to be a big turn-around with medical with real nurses and real doctors. We have to find a solution other than unlicensed medical teams who don't care and leave our loved ones to die.

An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders. We first need to get a better system for medical in the present. Secondly, we need to stop waiting for the issue to get worse to be seen. I am also knowledgeable about the inmates having to put in a ticket waiting to be seen, and infirmary not responding to tickets that they are putting in a box to be seen. The system Behind the Walls needs to be changed as afar as medical. I need the higher ups to look into the issue and the problem. They're still human regardless of what they are in incarceration for. We can't lose loved ones because the lack of medical care. We need to hire to look deep into medical issues besides a Band-Aid and patching up the wound.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Van Cherry Green

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Verlyn Tarlton and I am a concerned U.S. citizen. I am writing to support HB565 and SB0036 because too many people die in prison and I have had family members incarcerated. I am interested in better reporting for in-custody deaths because I have read books about what goes on in prisons and believe accountability is needed. oversight board investigating deaths in custody is important because even those who are in prison deserve fair treatment.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Verlyn Tarlton

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Helen Rodgers, and I live in Odenton, Maryland. I am a mother of four. Three of my children are living, and I lost my oldest daughter in 2007. I am a former detention officer. I am writing to support HB565 because to be treated like a human being is a right everyone should have, whether incarcerated or not.

One specific instance was all it took to make me someone who is passionate about better reporting for in-custody deaths. When I first came on shift one day, I completed my first round where I count and make sure every female inmate is present and accounted for before the officer that I was relieving goes home. Count cleared, female officer went home. Now as for my shift, the only thing that happened was I put a female inmate on 24hr cell restriction for not covering herself up so that the females who were on the bunks in the day room would not see her exposed by looking in through the glass window. Before I put her on cell restriction I had told her twice to cover up and she asked me for a fan, and of course I told her that I could not do that. I did put everything in the computer so that it could be on record.

Now it was my turn to leave, the female officer did her rounds, made sure all female inmates were present and accounted for. I briefed the officer, count cleared, and I went home. When I got back to work, my colonel at the time called me on the phone. She saw where I put the female on 24hr cell restriction, and she asked me why, and I told her. That female inmate passed sometime during that night. I was told that the female officer was not relieved to do no hourly rounds that night. And the sergeant who was on shift that night, not only did he not relieve her, but he got another job working at another correctional facility.

I ended up being subpoenaed to a deposition hearing about the death of the female inmate. When I got to the deposition hearing the lawyer that was handling her case showed me a report that was not mine. My report had been totally changed, and not only that, they had a female inmate to make a false accusation of a statement that I did not even say. The lawyer asked me did I know who changed my report, and I told him I did not. And when he tried to get me to confess to something that I did not have nothing to do with, I said in a very stern voice I WAS NOT THERE. And the lawyer who was representing the detention center that I worked for looked at the schedule and he said “no, you were not there.” Then the other lawyer that was handling the female inmate’s case asked to see the schedule, and he too saw that I was not there, and that’s when the head lawyer got up and left the room, and after a few minutes he came back and he asked me if I would have known that she was suffering from injuries would I have called medical?

Feb. 12, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

And I said: ASAP. So, if it had not been for God and that schedule, I probably would not be typing this testimony to you. Innocent people get blamed for the wrongful actions of officers who need to be held accountable There is too much cover up, and things going unnoticed.

An oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because people's lives are important no matter their circumstances. Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Helen Rodgers

Testimony in Support for HB565.pdf

Uploaded by: Gary Simmons

Position: FAV

GARY SIMMONS
Legislative District 12B
Anne Arundel County

Judiciary Committee
Subcommittees

Criminal Law and Procedure
Family and Juvenile Law



The Maryland House of Delegates
6 Bladen Street, Room 152
Annapolis, Maryland 21401
410-841-3581 • 301-858-3581
800-492-7122 Ext. 3581
Gary.Simmons@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 5, 2024

Judiciary Committee

RE: Testimony in Support of HB565 - Investigation of Death of an Incarcerated Individual – Reporting

Dear Chairman and members of the committee,

I am writing to express my strong support for HB565, which addresses the critical need for an Investigation of the Death of an Incarcerated Individual. As a State Delegate, I believe that the proposed legislation is a crucial step toward ensuring transparency, accountability, and justice within our correctional system.

The primary purpose of HB565 is to establish a comprehensive process for the investigation of deaths involving incarcerated individuals and to mandate the Department of Public Safety and Correctional Services to provide specific information related to such incidents. This legislation represents a commendable effort to address a pressing issue within our criminal justice system and to safeguard the rights and well-being of those in custody.

One of the critical strengths of HB565 is its emphasis on thorough and impartial investigations into the circumstances surrounding the death of an incarcerated individual. By requiring the Department of Public Safety and Correctional Services to provide specific information, the legislation aims to enhance transparency and accountability, fostering public trust in the criminal justice system.

Furthermore, the legislation ensures that lessons are learned from each incident, leading to necessary reforms and improvements within the correctional system. The dissemination of this information serves the interests of justice and contributes to the broader goal of preventing similar incidents in the future.

In conclusion, I urge my committee to support and advance HB565, recognizing its importance in addressing the need for comprehensive investigations into the deaths of incarcerated individuals. This legislation is a significant stride toward creating a more just, transparent, and accountable correctional system. Your commitment to the well-being and rights of those in custody is vital for upholding our society's justice principles.

Thank you for your attention to this matter, and I trust that you will give due consideration to the positive impact that HB565 can have on our criminal justice system.

Sincerely,


Delegate Gary Simmons

Gordon Pack's HB 0565 Testimony 2024.docx.pdf

Uploaded by: Gordon Pack, Jr.

Position: FAV



PREPARE
PREpare for PArole and REentry

March 4, 2024

Re: Testimony in Support of HB 0565
MD Deaths in Custody Oversight Board

Dear Members of the Judiciary Committee:

As an individual who has served long-term incarceration and engages in criminal justice reform, I believe an 'Oversight Board' is needed to monitor deaths in Maryland's prisons, jails, and detention centers. The number of deaths of incarcerated people recorded in DOC Annual Reports over the last twenty years is alarming. However, it is even a greater concern that disclosure of the causes of these deaths are withheld from loved ones.

Unlike our neighbors -Virginia, Pennsylvania, and Washington D.C.-, statutory and regulatory provisions do not mandate investigation by MD's Office of the Chief Medical Examiner for in custody deaths. Law enforcement personnel have the sole authority to determine which incidents of death are presented to the Medical Examiner.

When considering that, in some cases, investigations into these deaths are not conducted by facilities, the concern grows. How can an explanation not be provided when anyone dies in custody by suicide, murder, or drug overdose? Why wouldn't a loved one suspect foul play by the authorities?

The lives of men, women, and children detained in MD facilities matter. The reality that they may be detained awaiting trial or serving a sentence for a convicted crime does not decrease the value of human life. Mandatory investigation, transparency, reporting and accountability are necessary. Therefore, I urge this honorable committee to vote favorably for HB 0565.

Truly yours,

Gordon R. Pack, Jr.
gordon@prepare-parole.org
gordonrpack@gmail.com
Cell# 410-456-7034

Prepare-parole.org
PO Box 9738, Towson, MD 21284

Milem Written Testimony.pdf

Uploaded by: Hannah Milem

Position: FAV

Hannah Milem
3314 Buchanan St. Apt. 201
Mount Rainier, MD 20712
Hmilem91@gmail.com

March 5, 2024

Written Testimony: HB0531

Dear Members of the House of Delegates Judiciary Committee,

My name is Hannah Milem, and I am a resident of Prince George's County, Maryland. I am a current law student at Georgetown University, and a regular volunteer with Courtwatch PG, a community-based program that observes bond hearings in Prince George's County. As a Maryland resident, a law student, and a Courtwatch volunteer, I write in strong support of House Bill 0531.

I believe that deaths in custody are a serious issue facing our communities, and that preventing these deaths is an urgent matter that lawmakers must address. In particular, I write in support of HB0531 because I believe additional oversight is necessary to accurately assess and prevent the myriad ways that incarceration can lead to injury or death. Even in the absence of physical assault or intentional homicide, a jail facility can inflict immense harm through unhealthy conditions and neglect. Because deaths resulting from negligence or neglect may be less conspicuous, these incidents—which have severe permanent effects on people's lives, families, and communities—are more likely to go uninvestigated and unreported. HB0531 would help to counter this reality.

As a student attorney in Georgetown's Civil Rights Clinic, I have researched numerous cases in which medical neglect in jails has led to an individual's permanent injury or death. I learned that jails routinely minimize and ignore medical complaints, which can lead to serious illnesses going untreated and fatal consequences for incarcerated people. Medical care in the jail is often inadequate, and detained individuals must make numerous requests to receive even the most basic services. It is no wonder that the average age for "natural" deaths in custody is [28 years younger](#) than the average life expectancy of Maryland's non-jailed population.

Similarly, as a volunteer for Courtwatch PG, I have encountered many dozens of instances where a community member's medical needs were overlooked or untreated in jail. Community members detained for nonviolent offenses have been forced to miss multiple doctor's appointments while in custody, have been forced to go without prescription medications, and have been sent to jail with serious injuries and no measures in place to receive treatment. Meanwhile, unhealthy conditions in the jail, including poor food, poor hygiene, violence, and stress, frequently exacerbate existing medical conditions. Lawmakers can undoubtedly point to various measures in Maryland's criminal legal system that are *supposed* to prevent such outcomes. The reality, however, is that this kind of neglect occurs daily across the state and causes unspeakable harm to Maryland residents.

It is essential for lawmakers to shine a light on the harmful conditions faced by those who have lost their health and their lives while in custody in Maryland jails. HB0531 would be an important source of light.

Thank you for your consideration.

Sincerely,

Hannah Milem

Hannah Milem

final written testimony HB565.pdf

Uploaded by: Jade Eaton

Position: FAV

TESTIMONY OF JADE ALICE EATON
IN SUPPORT OF HOUSE BILL 565
“Maryland Deaths in Custody Oversight Board”

I am Jade Eaton and I live in Greenbelt Maryland. My testimony focuses not on oversight for the state-run prisons, but for deaths of people held in local county detention centers. I have testified before this committee in the last two legislative sessions in support of virtual access to Maryland courts. I have spoken of my experience, now three years in, of watching and then listening to bond review hearings in my home county. The people whose cases I am listening to are being held in a county detention center. Indeed, in each month of 2022, on average, 90% of all people held in Prince George’s County jails were being held before their trial. They have not been convicted or even had their day in court.* If not released on bond, they will spend weeks or months in a county detention center before their trials. These local jails are the first places that people are taken when they are arrested and tragically for some, the last places they ever see.

How do I know this? Because of a short but disturbing twenty-eight page study *In-Custody Deaths in Ten Maryland Detention Centers*. This report is the result of research by Prof Terrence Keel and the BioCritical Lab at UCLA in collaboration with Civil Rights Corp and Courtwatch PG. Here’s what the report details:

During the study period:

- **Over 80 percent** of the people **who died** in Maryland detention centers were in **pretrial detention—they had not yet been convicted or even had their day in court.**
- **Over one sixth of the people who died** in Maryland detention centers **died IN THE FIRST TWO DAYS** of detention.
- **Over half of the people who died in Maryland detention centers died in the first TEN days** of detention.

And this is just the information we KNOW. We also know this is NOT all the information. What is clear is that there are substantial gaps in reporting of deaths in Maryland correctional facilities. The Deaths in Detention report states “A complete review of all datasets in our collection suggests that there were at least 1,078 in-custody deaths in Maryland during the 2008-2019 time period” rather than the 180 deaths reported in federal BJS data on which the study substantially relied. I refer you to the detailed report and to Professor Keel’s testimony filed with this Committee.

I participated in a smaller project of Courtwatch PG to research deaths in jails in Maryland since 2021. We found

- There was **no central state reporting system** or even a central depository for information on circumstances of deaths of inmates who die in County and city detention facilities.
- We could find **no State office that collects this information**: not the Maryland Department of Corrections, not the Governor’s office, not your committee and not your offices.

- We were forced to attempt to collect information ourselves, through sending each separate county a Maryland Public Information Act Request.
- Responses, when we received any, showed **no consistency among the localities in what information they record on inmate deaths or how they record or maintain it.**

And that is why I am submitting this testimony.

I know now that the people I hear our courts place in custody before trial go not only into a cell but **into an information black box**. County jails are not systematically accountable to report the circumstances of any death on their watch. Who is overseeing deaths in the jails? Where is the information that would allow for accountability? How can legislators responsible for criminal justice even alerted to any need for reform or responsibility?

The lack of accurate public information on custodial deaths is national. A just-released book “Deaths in Custody” by Jay Aronson and Roger A. Mitchell looks at this problem nationwide. Mr. Aronson was asked by the L.A. Times why authorities don’t have accurate statistics on custodial deaths. He answered:

“We get asked that a lot. What we always come back to is that **we as a society don’t care about the people who are in jails and prison**. We associate them with people who are morally deficient. We boil people down to their worst moment.”**

This is not just a problem in Maryland but that doesn’t lessen your responsibility to remedy the situation here.

House Bill 565 is a **minimum** first step to creating an accounting and accountability for the circumstances of deaths of all people who die incarcerated in Maryland. The bill:

- **Creates an Oversight Board** in the Office of the Governor that must investigate the death of any person incarcerated in Maryland at the time of death, including in local detention facilities.
- Outlines the **composition of the Board to assure its independence** and create public trust in its investigations and findings, trust that can be lacking when law enforcement investigates itself.
- **Specifies the people and documents that must be reviewed** in the investigation.
- Requires that the Board **develop recommendations and, in some cases, a compliance plan** for the correctional facility where the death occurred.
- **Specifies people to whom the Board will provide the recommendation**, including the family of the deceased, the state Attorney General and this committee.
- **Requires the Department of Public Safety to collect and provide information needed by the Board.**
- **Protects the confidentiality** of medical records **and prohibits interference** with certain law enforcement investigations.

To me this is the least that my State can do to respect the humanity of a person who dies away from family and community in State custody. It provides the minimum responsible level of state oversight of local detention centers. It ensures that there will be answers for the families of all of the deceased inmates and for you who are responsible for the laws that govern our criminal justice system.

Being arrested shouldn't be a death sentence. The HB565 Oversight Board will help ensure that it isn't.

Respectfully Submitted

Jade Alice Eaton

19 Ridge Road Unit E

Greenbelt MD 20770

* <https://goccp.maryland.gov/data-dashboards/local-detention-center-dashboard>

**<https://www.latimes.com/california/story/2024-02-02/death-in-custody-interview>.

senate and house bill support.pdf

Uploaded by: jayden lassiter

Position: FAV

Jayden Lassiter
February 28, 2024

Maryland Deaths in Custody Oversight Board

I Jayden Lassiter write in support of Senate Bill 36 and House Bill 565. The number of in-custody deaths in Maryland. Looking at the statistics that were released by the Maryland Department of Public Safety and Correctional Services was truly upsetting to me. From January 2009 to March 2023 there were approximately 885 people died while in state custody. After looking at an article from “Biocritical Studies Lab” published by Dr. Terence Keel his studies show:

- Most people over 80% were detained pretrial at the time of their deaths meaning they were not convicted of any crime.
- Almost half of the decedents (47.78%) died within 10 days of being in the detention center, and 16.67% died within one day.
- Most jails that have high numbers of in-custody deaths were black prisoners, now what this means is that when detained, black and low-income residents are more at risk of in-custody deaths.

In-custody deaths are a major crisis in Maryland which is raising questions about what we can do to provide safety to those awaiting trial. Along with the possibility of most of these deaths being caused by improper use of force and negligence within the legal system. These stats show the complicity in systematic injustice and disdain for human life. As outsiders, although we don't have much information when it comes to these deaths, we must stand up for the families of those who were lost and one of the first things we could do to start that is by passing this bill so

that families don't feel alone in these hard times. It is obvious that these stats show the major problem that is going on in these prisons and it saddens my heart to look at the number of deaths that have occurred inside prisons in Maryland.

These two bills allow the public access to information on in-custody deaths, addressing the root causes while protecting the well-being and dignity of those in custody. The legislation creates an impartial Oversight Board to investigate in-custody deaths in Maryland, provide recommendations for prevention, and oversee implementation. Maryland may set a national precedent by implementing legislation that prioritizes transparency and accountability, while also lowering in-custody deaths through better adherence to established procedures and standards. Maryland's in-custody fatality catastrophe requires prompt political involvement. State and local officials have a moral responsibility to safeguard the lives of those in custody. For many Maryland citizens, this is a life-or-death situation. For these reasons, we strongly encourage you to support Senate Bill 36 and House Bill 565. We appreciate your time.

Testimony of Jennifer Ruffner SB36-HB565.pdf

Uploaded by: Jennifer Ruffner

Position: FAV

Testimony of Jennifer Ruffner
Greenbelt, MD 20770

February 4, 2024

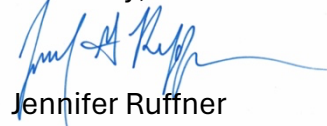
In Favor Of: S.B. 36 / H.B. 565 – Maryland Deaths in Custody Oversight Board

My name is Jen Ruffner, and I am a resident of Greenbelt, MD. Since 2020, I have been a volunteer with Courtwatch PG, an advocacy group that observes bail hearings in the Prince George’s County District Court to document our county’s policies in action and to hold officials accountable for injustice in the court system, and broader justice system, including detention centers. I am writing in support of S.B. 36 / H.B. 565. I believe that Maryland has a responsibility to investigate the shocking number of in-custody deaths in Maryland detention centers, particularly in Black communities, and communities facing high poverty levels. The creation of a Maryland Deaths in Custody Oversight Board is a necessary first step in addressing this systemic injustice.

I was shocked, but not surprised to read in the study **In-Custody Deaths in Ten Maryland Detention Centers, 2008 – 2019** (Johnson, Keel, et al., 2023) that in the period 2008-2019, of the 180 deaths studied, 4 out of 5 of the individuals died while awaiting trial (which means they had not been convicted of any crime), that approximately half died within 10 days of detention, and the majority of those individuals were Black. Every week, courtwatchers hear of those being detained pre-trial who do not have access to medications they need, who are injured in custody, or who are missing much-needed medical treatment while they are jailed pre-trial. That information, combined with the statistics relating to in-custody deaths, illustrates a system that fails those community members who come in contact with the judicial system, many of who will never ultimately be found guilty of any crimes. It illustrates how even a short period of detention greatly increases the risk of harm, and even premature death.

I encourage you to vote favorably S.B. 36 and H.B. 565, to ensure that the causes of these in-custody deaths are determined, and addressed.

Sincerely,



Jennifer Ruffner

Wines 2024 OPD Testimony (House).pdf

Uploaded by: Lance Wines

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

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.

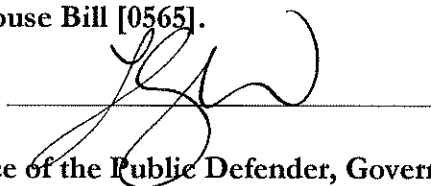
The World fell apart after that. I didn't see my father's corporeal form again for months. And, thanks to the quarantines and travel restrictions of the Covid-19 Pandemic, none of us saw much of anyone's corporeal forms for quite some time. The day after his death, I picked up a banker's box filled with 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,
lance.wines@maryland.gov]**

HB565 Support the incustody deaths.pdf

Uploaded by: Larry Stafford

Position: FAV

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MASS LIBERATION

5661 3rd Street NE Unit 134 Wash, DC 20011
128 College Station Drive Upper Marlboro, MD 20774

March 5, 2024

Dear Chairman Delegate Luke Clippinger and Esteemed Delegates of the Judiciary,

Thank you Delegate Simmons for sponsoring HB565. I am Dr. Carmen Johnson and I reside in Anne Arundel County, Maryland. I am here to urge you to **vote favorably** for HB565, a critical piece of legislation aimed directly at the heart of a national catastrophe: the unacceptable and preventable deaths occurring within our custody system. The stark reality that our nation lacks comprehensive data on in-custody deaths is not merely an oversight; it is a glaring indictment of our moral and administrative systems. This deficiency obstructs any effort towards systemic reform, leaving us in the dark about the true scale of this crisis.

Maryland's own statistics paint a grim picture, with 885 lives lost in the Department of Corrections from January 2009 to May 2023, and an additional 180 fatalities in county detention centers between 2008 and 2019. These numbers reveal the urgency of addressing this epidemic, particularly as many victims are pre-trial detainees who never had their day in court. It is imperative that Maryland lead the way in fostering a culture of transparency and accountability, setting a new standard for the nation in the process of mitigating in-custody deaths. HB565 stands as a beacon of hope, designed to usher in a new era of openness and responsibility within Maryland's custody environment. It ensures that each death while in custody is not just a statistic but a catalyst for change, with details made public to inform and drive reform. The establishment of an independent Oversight Board is a monumental step towards achieving this goal. This board will undertake comprehensive investigations into every in-custody death, providing insights and actionable recommendations to prevent future tragedies.

The proposed legislation mandates immediate notification to the Oversight Board following any custodial death, with detailed information about the deceased. This procedure is not just an administrative task; it is a moral obligation to each individual under our care. The Oversight Board's rigorous analysis and subsequent recommendations will form the cornerstone of our efforts to honor the dignity of those we've lost and to protect those still within our system. The term "In-custody death" encompasses a broad spectrum of circumstances, underscoring the pervasive nature of this issue across various facets of law enforcement and detention. This bill is not just legislation; it is a declaration that the lives of all individuals, regardless of their custodial status, are of inherent value. I implore you to recognize the urgency of this matter and to vote favorable. It is time for Maryland to illuminate the shadows of our custody system with the light of accountability and humanity. Thank you for considering this vital cause that holds the potential to save lives and restore faith in our justice system.

Sincerely,

Carmen Johnson Ph.D.
Founder

Dear Chairman Luke Clippinger,

3-5-2024

**Oral and Written Testimony / Maryland Deaths in Custody Oversight Board
HB 565 Delegate Simmons SB036 Senator Benson**

I, Michele Kennedy Kouadio am strongly in favor of HB 565 (SB036) because it supports transparent reporting of deaths in MD prisons and can help unveil necessary reform to address the root causes of deaths in the Department of Public Safety and Corrections facilities.

In 2023, in MD approximately 885 individuals lost their lives within MD DPSC prisons due to correctional officer or peer attacks or refusal by prison staff to respond to medical, dental or psychological needs in a timely fashion and with appropriate services.

My testimony today reflects my empathy and compassion after hearing 2 mothers talk about their sons' near death experiences in MD prisons.

About 2 months ago on a Saturday, I received an urgent call from my son for help. He had been in excruciating head pain for over a week. Only after my call, did the assistant warden have him assessed immediately. The following Monday a dentist pulled a tooth that had a long standing abscess. Had his cavities been addressed two years ago this scenario could have been avoided - he still has pending cavities yet to be addressed.

According to the AFSCME Council 3 union, representing MD prison staff, they've reported 3400 staff shortages across 25 MD state prison facilities. In the Baltimore Sun February 2024 edition AFSCME Council 3 reports an even bleaker picture of staffing shortages impacting safety and critical services necessary to preserve lives.

Facility food, water and cooling/heating issues contribute to the demise of people in MD prisons who are dismayed by these torturous conditions and the diminishing probability that they can hope to live and be whole after serving their term.

We expect the MD Governor, the Attorney General, MD Delegates and Senators to support language in HB 565 and SB 036 Bills that effectively make prison deaths reporting transparent and accountable under a failing MD prison system. We expect these bills to help reverse the growing trend of allowing MD prisons to become executioners.

MD families and friends as well as MD citizens expect people to be whole and in good condition upon release and to contribute to, rather than draw down on the MD tax base.

We pray for your positive support of HB 565 and SB 036 is voted favorable.

Michele Kennedy Kouadio
Maryland Alliance for Justice Reform
Taxpayer, Homeowner, Voter
Parishioner St Camillus Parish

HB 565 Testimony.pdf

Uploaded by: Luciene Parsley

Position: FAV



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1500 Union Ave., Suite 2000, Baltimore, MD 21211
Phone: 410-727-6352 | Fax: 410-727-6389
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 Report¹, for example, identified that a sizeable percentage of

¹ 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.

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 or at 443-692-2494.

HB565MTsiongas.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

**TESTIMONY ON HB565
MARYLAND DEATHS in CUSTODY OVERSIGHT BOARD**

**House Judiciary Committee
March 7, 2024**

SUPPORT

Submitted by: **Magdalena Tsiongas, MPH**

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Magdalena Tsiongas, am testifying in support of HB565, the Maryland Deaths in Custody Oversight Board. I am submitting this testimony as the family member of an incarcerated person in a Maryland prison.

Creation of the Maryland Deaths in Custody Oversight Board would support transparent reporting of deaths in MD prisons and help to address the root causes of deaths in the Department of Public Safety and Corrections facilities.

For families who have loved ones behind bars, even a day without hearing from them immediately sends us into hyperdrive, worrying about what might have happened to them. I can only imagine the pain at losing a loved one behind bars and having no understanding of what happened and no accountability from those in power.

A poll commissioned by FMM found that 82% of the public supports independent prison oversight, which is reflected in the fact that Maryland is joining various states and the federal level in considering this type of reform.

I urge **a favorable report on HB565** for improved oversight on in-custody deaths.

Thank you

In custody death speech rough draft.pdf

Uploaded by: Makhia Polk

Position: FAV

WRITTEN TESTIMONY SUPPORTING
HB565 - Maryland Deaths in Custody Oversight Board

To: Hon. Will Smith, President, and members of the Judicial Committee

SPONSORS: Senator Benson, Senator Muse and Senator Ellis,

FROM: Makhia Polk

DATE: Hearing for March 7, 2024, at 1:00pm

Hello, my name is Makhia Polk, I am a resident of the state of Maryland and currently attending Stevenson University Majoring In Criminal Justice minoring in Legal Studies an Management an Organizational Leader. I am also currently interning with the Helping Ourselves to Transform organization under Dr Carmen Johnson. I am writing to you today in strong support of Senate Bill 0036 which addresses the longstanding and ongoing national crisis of deaths occurring in custody.

The correlation between high rates of poverty, large Black populations, and in-custody deaths is truly alarming. The presence of these factors appears to be strongly correlated with in-custody deaths, indicating systemic issues that have sat unaddressed for far too long. The misclassification of deaths officially designated as "natural" raises serious concerns about the accuracy and transparency in reporting especially in the instance of minorities.

The discrepancy between the average age of in-custody deaths and life expectancy suggests a need for a thorough review of the classification process. The fact that over 80% of the deaths occurred while individuals were awaiting trial, and nearly half within 10 days of admission, underscores the urgency of addressing the risks associated with short stays in detention. The existence of high barriers preventing public access to crucial information hampers comprehensive study and inhibits accountability. Transparent reporting is essential for informed decision-making and public awareness. Based on these findings, I join the call for immediate action to make the following recommendations that the bill addresses.

In conclusion, it is imperative that you as policymakers take swift and decisive action to address the deeply concerning issues raised in this report. The human rights crisis reflected in these findings demands a comprehensive and collaborative effort to reform our criminal justice system and protect the well-being of all individuals within our detention centers. Thank you for your time in this matter and I pray that this needed bill is voted on and passed into law. And special thanks to Delegate Luke Clippinger and the judiciary committee.

Makhia Polk

mpolk@helpingourselves.org

HB565 - Nasyr Mathis-Chambers_ Speech on in Custod

Uploaded by: Nasyr Mathis-Chambers

Position: FAV

NAS - we waiting to see when this hearing will take place in the House of Delegates

Greetings Chairman Delegate Luke Clippinger and the Judiciary Committee,

I, Nasyr Mathis-Chambers, support HB0565. I am a freshman at St. Mary's College of Maryland and a member of several campus organizations, one of which includes a sitting senator of the Student Government Association. I have also started an internship for Social Justice and Civic Engagement with Helping Ourselves to Transform under the leadership of Dr. Carmen Johnson.

Imagine a place where no life is lost unnecessarily behind bars. The Maryland Deaths in Custody Oversight Board, established by House Bill 0565, would be a decisive step towards this reality. As a relative to individuals impacted by the Maryland correctional system, I urge you to pass this bill, not just for our future but for the future of incarcerated individuals.

As a young leader, preparing myself for the road of politics, I understand the crisis of in-custody deaths requires immediate action. This Oversight Board will spotlight these tragedies to ensure accountability and prevent future incidents. It will enhance better medical and mental health services with preventive measures and medication management, aiming to prevent deaths. Prisons should facilitate reflection, not be places of torture or end of life. We as Marylanders must be committed to upholding the fundamental rights of the incarcerated by valuing their lives.

This isn't just about statistics; it's about real people. I've seen the scars, both physical and emotional, left by the system in our community. Let's break the cycle. This oversight board can be a beacon of hope for those inside and families like mine seeking justice and change by making HB0565 a law. We want Maryland to continue to be a place of dignity and safety for all.

Thank you for your time on this matter. I pray that this bill will be voted on and passed into law.

Nasyr Mathis-Chambers

Noah Wass Testimony.pdf

Uploaded by: Noah Wass

Position: FAV

March 4, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Noah Wass. I am a concerned Baltimore city emergency medical services (EMS) clinician. I am writing to support HB565 and SB0036 because it is established medical fact that rapid transport to a trauma center can be the difference between life and death for victims of traumatic injuries like those often suffered in carceral settings. Without system oversight and data collection, we will never be able to stop those who need care from dying preventable deaths.

I became passionate about increasing reporting for in-custody deaths after transporting an incarcerated patient to the hospital in the midst of an ongoing seizure event, or “brain storm.” He became injury through an extremely vaguely described assault in custody. We realized after further questioning that prison officials kept this patient waiting in critical conditions for *hours* before even calling EMS. There is no doubt that this delay in care contributed to a poor outcome for this patient, and many like him who experience the same systemic failures.

This event disturbed me, but I am even more disturbed by how common an occurrence it is. An oversight board is important for protecting Marylanders in custody because we cannot begin to prevent these deaths without some medical, scientific understanding about how they occur. Gathering this data and investigating these deaths will allow the State to begin addressing the systemic issues at fault. We need to know about jail deaths in order to prevent them, and it is the State’s responsibility to ensure we collect and track this data.

Thank you, Chairman Delegate Luke Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what’s happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Noah Wass

O.Moyd Testimony - HB 0565 - Deaths in Custody Ove

Uploaded by: Olinda Moyd, Esquire

Position: FAV



AMERICAN UNIVERSITY

WASHINGTON, DC

Clinical Program

**Testimony of Olinda Moyd, Esq.
Director, Decarceration and Re-Entry Clinic
American University Washington College of Law**

**HB - 0565
House – Judiciary Committee
Thursday, March 7, 2024**

IN FAVOR

The Decarceration and Re-Entry Clinic represents men and women housed in Maryland prisons before the courts and before the Maryland Parole Commission. Mass incarceration coupled with extreme sentencing has created hopeless environments where people who enter when they are in crisis or experiencing mental distress have an increased probability that they will die in detention and those serving longer sentences are left to grow old and eventually die alone in concrete cells. Although it does not receive the same media attention as police brutality, there is an ongoing humanitarian crisis in our prisons. Similar to excessive police force, brutality by prison officers is part of systemic state violence against people of color, and Black people specifically.

We urge a favorable vote on SB 36 which would create an oversight board to analyze and make findings and recommendations related to the deaths of incarcerated individuals. For every death of an incarcerated person in the state the oversight board would be required to conduct an administrative and a clinical mortality review within 30 days of death and report publish such findings. Independent reviews shall be conducted for every death that is determined to be a suicide or the result of a mental health crisis.

The death penalty in Maryland has been outlawed in 2013 when Maryland became the 18th state to abolish the death penalty when Governor Martin O'Malley signed a bill outlawing capital punishment. The law replaced capital punishment with a sentence of life without parole but people are dying in our prisons and detention center once in custody. Unfortunately, many of the deaths that occur in our institutions are of individuals who are awaiting trial or serving parole eligible sentences. A recent study of deaths in Maryland found that the average age of in-custody deaths officially designated as natural causes is substantially lower than the general population and the centers with the highest number of deaths are in jurisdictions with both

high rates of poverty and large numbers of Black residents.¹ These lives matter and these deaths must be investigated and resolved through a cultural change that incorporates that concept that every human life is important regardless of one's entanglement with the criminal legal system.

When a person dies in a cold prison cell their family is left to wonder what really happened to them. All they know is that a healthy, happy person left their community and then they subsequently and abruptly learn of their death. Mistrust of our criminal legal and carceral system increases with each death, especially when only investigated by correctional officials themselves. When a person dies in a cold prison cell other members of the institutional population are unsettled and uneasy and it reverberates throughout all of the state facilities. U.S. prison death soared by 77% during the height of Covid-19.² During the pandemic this uneasiness swelled when men and women witnessed others get sick and die and there was little to no publicity about these deaths and others grew afraid that even their own deaths would go unreported or unnoticed. This mistrust is exacerbated when medical examiner offices misclassify in-custody deaths attributable to violence and neglect as "natural." Therefore, it is important that the medical examiner conduct thorough autopsies for all in-custody deaths to accurately determine the cause and manner of death. This bill would assure that this procedure would be followed.

We urge a favorable vote on HB -0565.

¹ In-Custody Deaths in Ten Maryland Detention Centers, 2008-2019, July 2023, by Dr. Carmen Johnson, Dr. Terence Keels, and others.

² See Analysis of in-custody deaths show mortality rates were more than three times the increase in general population in 2020, by Edward Helmore, December 3, 2023, The Guardian.

Peyton Gray Testimony.pdf

Uploaded by: Peyton Gray

Position: FAV

March 4, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410 – 841 – 3488

Dear Chairman Delegate Clippinger, Senator Smith, and Members of the Judiciary Committee,

My name is Peyton Gray and I live in Greenbelt, Maryland. I am a Pastor in the Bowie md area and am very concerned about incarcerated inmates, I would love to see the bill passed and inmates treated with more humane. I look forward to the passing of the bill. I am writing to support HB565 and SB0036 because I want to see more accountability when it comes to our state jails, there are too many bad reports about what goes on in our jails. I have had a son in custody and now a friend, the stories they shared made me made, made to do something and now something is here.

I think an oversight board investigating deaths in custody is important for protecting the lives and safety of Marylanders because it is very much needed.

Thank you, Chairman Delegate Clippinger and the Judiciary Committee, Chairman Senator Will Smith and the Judicial Proceedings Committee, Sponsor Delegate Simmons, and Sponsor Senator Benson, for hearing my voice. Too many people are dying in government custody in this state. Worse, Maryland residents know very little about what's happening to their loved ones. This bill will help. I urge you to support HB565 and SB0036.

Sincerely,

Peyton Gray

Sarah McKinley 2024 HB0565 OPD Testimony .pdf

Uploaded by: Sarah McKinley

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB0565 Maryland Deaths in Custody Oversight Board

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 03/06/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 0565. This bill will provide greater transparency, insight and ultimately accountability for deaths that occur on the state's watch.

A [report](#) analyzing 180 in-custody deaths at 10 Maryland detention centers between 2008-2019 found that about half of those people died within the first 10 days of incarceration. Since then, between 2019-2023, there have been 285 in custody deaths in our jails and prisons in Maryland, which warrant further examination.

The study raises questions about medical or mental health issues that were overlooked, ignored, or not treated properly. Attorney General Anthony Brown stated that the findings in the report emphasize the need for a correctional ombudsman to provide independent oversight of these facilities and to improve "accountability, transparency, and advocacy within the system, pretrial and beyond." Poor conditions in correctional facilities, lack of healthcare, and medical neglect appear to be contributing factors that require oversight and accountability. This bill will require the board to conduct an administrative review, as well as a clinical mortality review, on every incarcerated individual that dies in custody.

Families of incarcerated loved ones carry a tremendous burden. Losing a loved one is traumatic in any circumstances. Bereavement when a loved one dies in custody can be particularly distressing and traumatic. Families and loved ones are not offered the luxury of being with their loved one when they die in custody. Families often feel excluded from the process, with little information on the circumstances that led up to the death or involvement in investigations where they occur. A lack of communication sometimes makes it difficult for families to accurately determine the cause of death of their loved one. This bill will ensure access to the details of all in-custody deaths, which could help ease the burden and provide some closure from experiencing the trauma of losing a loved one in custody.

When someone dies from natural causes during their incarceration, there is no investigation conducted, leaving family members and loved ones with little to no information about their loved one's passing. Current state policy does not mandate the medical examiner's office to perform autopsies of all in-custody deaths. As a result, there is a paucity of information to identify individual circumstances and systemic trends that warrants inquiry. An oversight board will ensure that investigations are conducted thoroughly, data is collected and analyzed, and family members are contacted.

When an individual dies during their incarceration, it not only impacts that person's family members and loved ones, but it can have a detrimental effect on everyone in the facility. Correctional staff and other incarcerated individuals may also be deeply impacted by a death in custody which can, in some cases, lead to depression, post-traumatic stress disorder (PTSD) or other mental health conditions. Cellmates, or those who find the deceased, may be even more significantly impacted. Correctional staff and other incarcerated individuals in proximity to the death may use coping strategies to manage emotions, which can lead to them becoming hardened

or disengaged. In custody deaths and poor response measures can be the result of systemic issues that an oversight board is needed to address.

Some deaths during incarceration may be prevented by ensuring human rights-based approaches to management in correctional settings. This involves ensuring safe conditions, including reducing overcrowding, providing an environment and adequate facilities and services to protect the right to health, preventing torture and unlawful use of force or restraint, and maintaining effective governance and control of the facility to ensure safety for all. The collection and availability of accurate and up to date data on deaths in custody is crucial to identify any trends or factors that may be related to the most common causes of deaths in a given jail or corrections system. With the data collected, the Maryland Deaths in Custody Oversight Board can make findings and recommendations related to the deaths of incarcerated individuals.

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

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

Authored by: Sarah McKinley, Student Social Work Intern,

sarah.mckinley@maryland.gov

PPI_MD_Deaths_in_Cust_Testimony.pdf

Uploaded by: Sarah Staudt

Position: FAV

PRISON POLICY INITIATIVE

Written Testimony in Support (FAV) of House Bill 565

Maryland Deaths in Custody Oversight Board

Sarah Staudt, Policy and Advocacy Manager

Prison Policy Initiative

69 Garfield Ave, Fl 1, Easthampton, MA 01027

Judiciary Committee

March 7, 2024

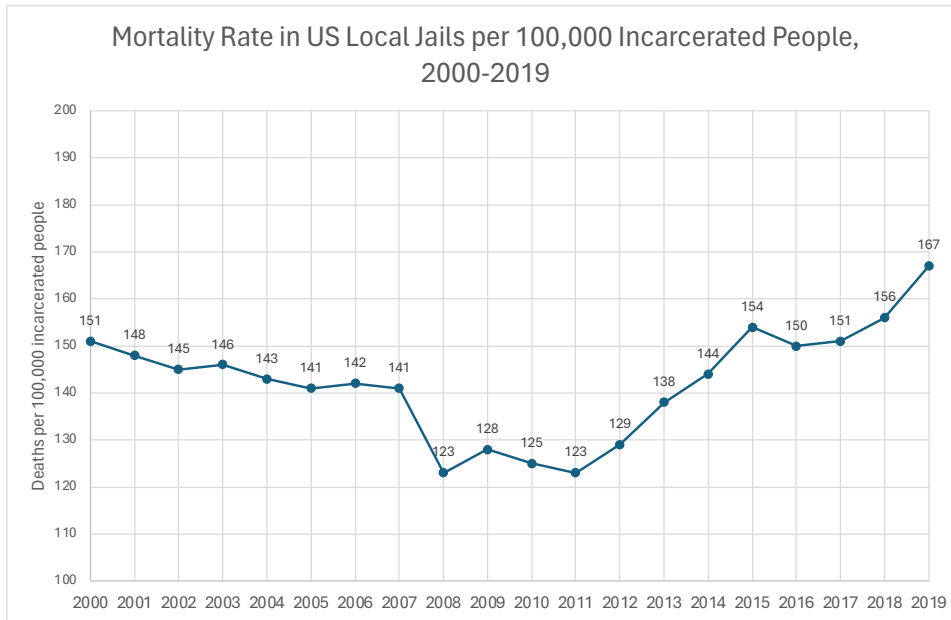
The Prison Policy Initiative is a nonprofit, nonpartisan organization that produces cutting-edge research to expose the broader harms of mass criminalization, and sparks advocacy campaigns to create a more just society. We strongly support House Bill 565, establishing the Maryland Deaths in Custody Oversight Board. The bill would create a board with strong community representation to conduct a review after someone dies in jail custody in Maryland. This kind of oversight board is essential to bring down unacceptably high numbers of deaths in custody, and ensure greater transparency and accountability for correctional institutions.

Every death in custody is a tragedy that the state must take full ownership and responsibility for. People in jails are completely at the mercy of state actors – they do not have the ability to access independent health care, including ongoing healthcare for substance use and mental health issues, and the state is fully responsible for their safety and wellbeing. Below, we present some facts about jail deaths both nationwide and in Maryland to provide context for why an oversight board could save lives in Maryland as jail deaths rise.

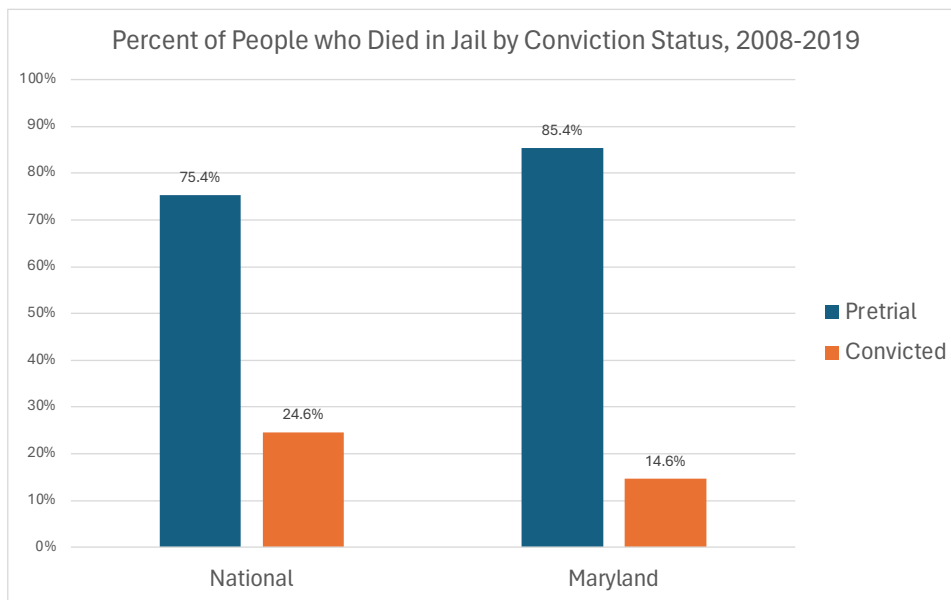
Jail Deaths are on the rise nationwide – especially among Black people and those not convicted of crimes

Jails are uniquely dangerous and deadly places, particularly for people with substance use disorders and mental health issues – and the problem is getting worse. The mortality rate in local jails rose 11% between 2000 and 2019, the most recent year for which national data was available¹.

¹ Bureau of Justice Statistics, Mortality in Local Jails, 2000-2019, Statistical Tables, published December 2021, available at: <https://bjs.ojp.gov/content/pub/pdf/mlj0019st.pdf>.



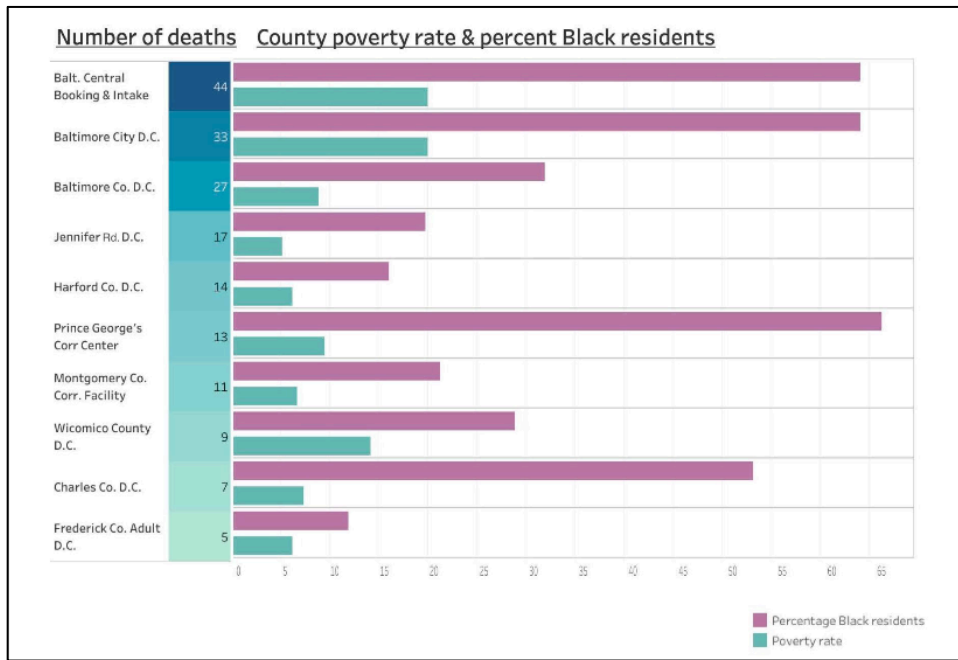
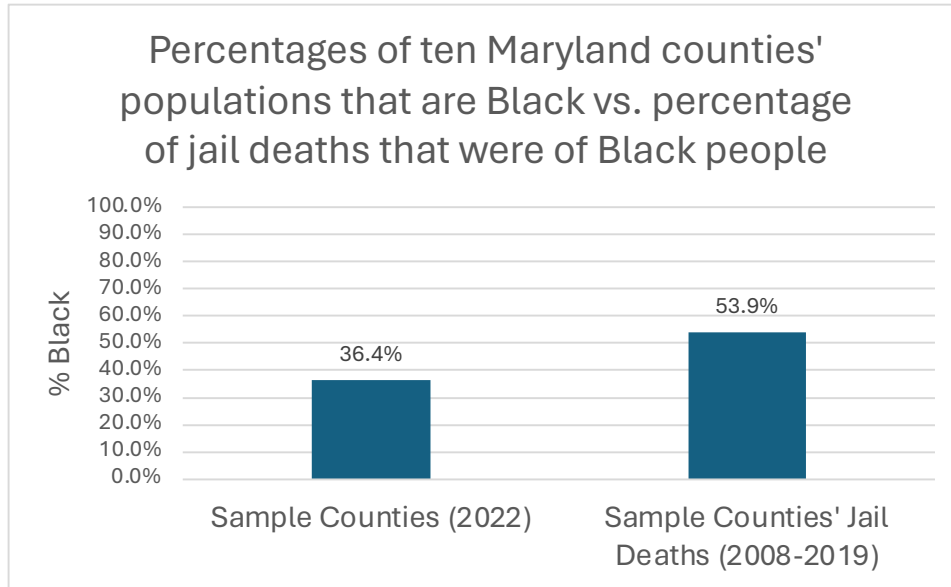
Both nationally and in Maryland, the people who die in jail are generally people not convicted of any crime. Nationwide, 76.7% of people who died in jail are pretrial². An August 2023 study by the BioCritical studies lab of 180 deaths in 10 city and county detention centers in Maryland found that 85.4% of people who died were not convicted³.



² BJS, Mortality in Local Jails

³ Carmen Johnson, Terence Keel, Alexander Li, Anna Robinson-Sweet, Elizabeth Rossi, Grace Sosa, Jonah Walters; BioCritical Studies Lab, “In Custody Deaths in Ten Maryland Detention Centers, 2008-2019”, August 2023, available at https://civilrightscorps.org/wp-content/uploads/2023/09/InCustodyDeathinTenMarylandDetentionCenters_August2023.pdf.

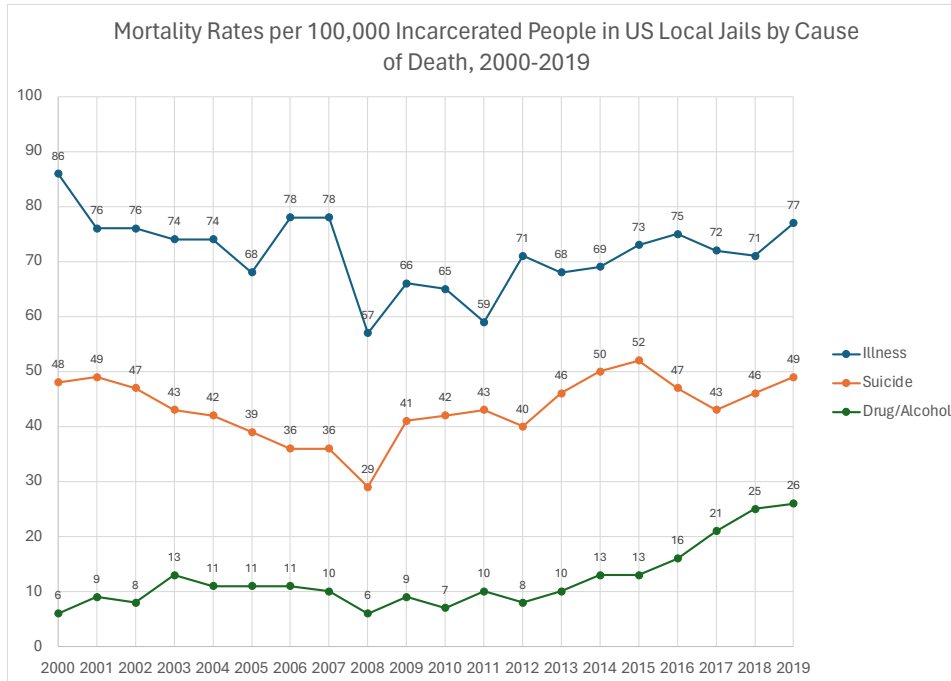
A disproportionate number of the people who die in jails are Black. The BioCritical Studies lab report found that 54% of the people in their jail death sample were Black; the populations of the counties in the sample were only 36% Black⁴. Furthermore, they found that the detention centers with the most instances of in-custody deaths were situated in jurisdictions with both high rates of poverty and high concentrations of Black residents.



⁴ Calculated from census.gov data on Anne Arundel County, Baltimore City, Baltimore County, Charles County, Frederick County, Harford County, Montgomery County, Prince George's County, and Wicomico County.

Suicide, drug and alcohol use are leading causes of jail deaths

Although illness remains the leading cause of death for people in jails, suicide and drug and alcohol intoxication are also major causes – and cause a disproportionate number of deaths than they do in the general population. The mortality rate from drug and alcohol intoxication, in particular, rose astronomically – more than quadrupling – between 2000 and 2019⁵.



A key driver of this trend is a rise in the incarceration of women. Nationwide, jails are becoming increasingly female; Maryland’s jails have followed this trend⁶. Between 1970 and 2015, the number of women in Maryland jails increased eightfold. This is relevant in the conversation about preventing jail deaths because women in jail died of drug and alcohol intoxication at nearly twice the rate of men in 2018⁷. The upward trend in jail incarceration of women has been driven largely by arrests and incarcerations for drug charges. Between 1985 and 2019, arrests of women for drug charges grew 216%, while arrests for men grew 48%⁸. Women are more likely

⁵ BJS Mortality in Local Jails.

⁶ Vera Institute of Justice, Incarceration Trends in Maryland, 2019, available at

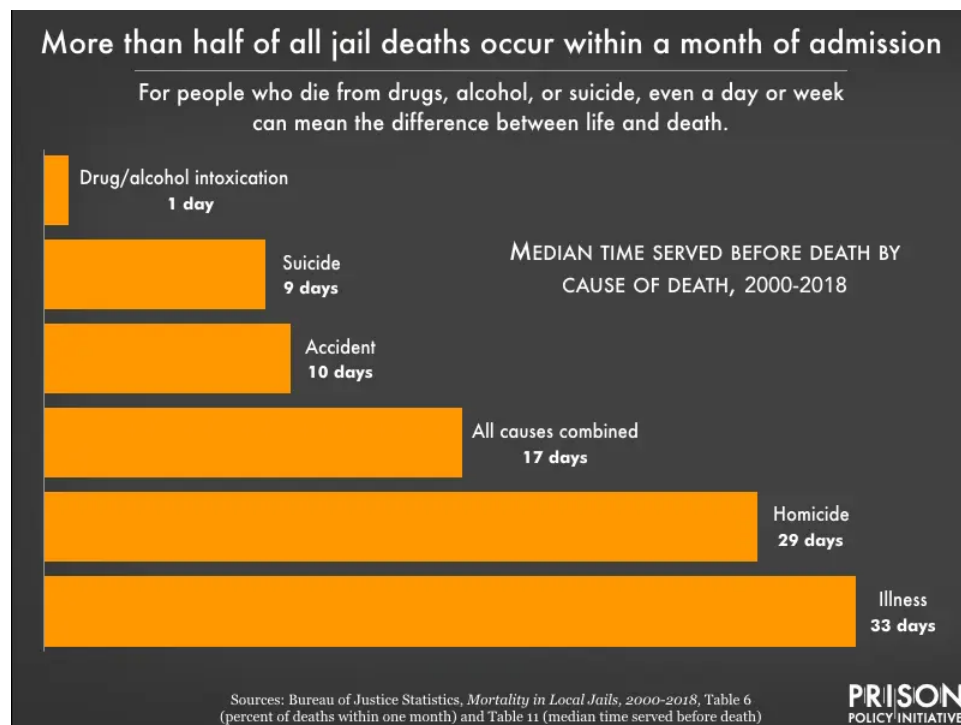
<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>.

⁷ Leah Wang, Prison Policy Initiative, “Rise in jail deaths is especially troubling as jail populations become more rural and more female” June 23, 2021, available at https://www.prisonpolicy.org/blog/2021/06/23/jail_mortality/.

⁸ Tiana Herring, Prison Policy Initiative, “Since you asked: What role does drug enforcement play in the rising incarceration of women?”, November 10, 2020, available at: <https://www.prisonpolicy.org/blog/2020/11/10/women-drug-enforcement/>.

than men to enter jail with drugs in their system, with a medical problem or chronic condition, or with a serious mental illness⁹.

Deaths from drug and alcohol intoxication are most common in the very early stages of people's incarceration. The median time served before a drug or alcohol intoxication death was just one day¹⁰. This means that in order to decrease jail deaths, efforts must be made to stop people from entering jail in the first place – treatment and programs once people arrive are not sufficient, since so many people are dying before they would have the chance to access those programs.

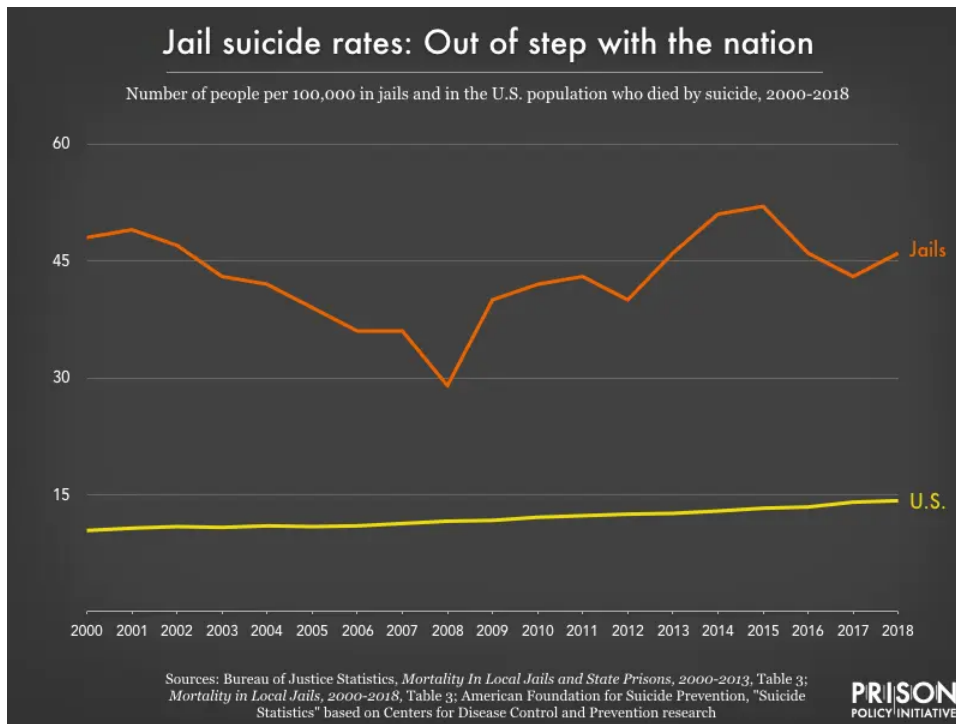


Suicide accounts for almost 30% of all deaths. Someone in jail is more than three times as likely to die from suicide as someone in the general population, and still twice as likely when the population is adjusted for age, sex, and race/ethnicity to match jail populations¹¹.

⁹ Elizabeth Swavola, Kristen Riley, and Ram Subramanian, Vera Institute of Justice, “Overlooked: Women and Jails in an Era of Reform”, 2016, available at <https://www.vera.org/downloads/publications/overlooked-women-and-jails-report-updated.pdf>.

¹⁰ Leah Wang, Prison Policy Initiative, “Rise in jail deaths is especially troubling as jail populations become more rural and more female” June 23, 2021, available at https://www.prisonpolicy.org/blog/2021/06/23/jail_mortality/.

¹¹ Wang



How House Bill 565 would address these problems

Addressing the root causes of jail deaths and decreasing requires concerted effort from jail stakeholders, but also requires independent oversight to hold jails accountable for the deaths that occur on their watch and ensure that best practices in prevention and response are being followed.

Leading researchers recommend extensive reviews of both suicide deaths and self-harm incidents after they occur to learn lessons about how jails could have improved emergency response, supervision, medical response, and prevention efforts¹². This is exactly the kind of review proposed by House Bill 565, and could have major impacts on the number of people who die by suicide in jails.

The Maryland Deaths in Custody Oversight Board would also increase transparency in the jail system around deaths. There are serious concerns about the accuracy and completeness of information currently released about in-custody deaths; for example, the BioCritical Studies lab report noted that the average age of people who died of “natural causes” in jails was substantially lower than the average life expectancy in Maryland, which raises concerns that deaths are being misclassified as “natural” when they in fact have another cause¹³. It is vitally important that any

¹² Jason Tan de Bibiana, Therese Todd, Leah Pope. Preventing Suicide and Self-Harm in Jail: A Sentinel Events Approach, Vera Institute of Justice, July 2019, <https://www.vera.org/downloads/publications/preventing-suicide-and-self-harm-in-jail.pdf>.

¹³ BioCritical Studies Lab Report, pg 1.

oversight of jail deaths examine *all* deaths that occur behind bars, including suicides, homicides, drug and alcohol overdoses, and deaths from “natural causes”.

In recent years, other states have moved to mandate disclosure of information about in-custody deaths; for example, California passed a law in 2022 requiring agencies to publicly report information about deaths in custody on their websites¹⁴. By creating a Jail Death’s Oversight board, Maryland would be joining a national trend towards greater transparency about in custody deaths. Sunshine is the best disinfectant; a civilian-led board focused on the wellbeing of incarcerated people is an important step in reversing the disturbing trend of increased jail deaths.

We hope that the legislature will support House Bill 565, so that the lives of people in Maryland’s jails can be treated with more dignity and care.

¹⁴ CA AB 2761, available at <https://legiscan.com/CA/text/AB2761/id/2609263/California-2021-AB2761-Chaptered.html>.

ICAP support letter- MD Deaths in Custody Bill.pdf

Uploaded by: Seth Wayne

Position: FAV



INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION
GEORGETOWN UNIVERSITY LAW CENTER

March 5, 2024

Maryland House Judiciary Committee
House Office Building
Annapolis, Maryland
21401
410—841—3488

Re: HB0565 & SB0036

Dear Senator Benson and Delegate Simmons,

The Institute for Constitutional Advocacy and Protection (ICAP) submits this letter in favor of the above-captioned legislation and the creation of a Deaths in Custody Oversight Board in Maryland.

ICAP is a non-partisan institute within Georgetown University Law Center. ICAP’s work features the use of legal advocacy to defend constitutional rights and values while working to restore confidence in the integrity of our governmental institutions. This work includes litigation challenging unlawful jailing and unconstitutional conditions of confinement, as well as efforts to introduce increased public access and accountability to our criminal processes.

The unnecessary or avoidable death of a person in state custody represents a tragic failure on the part of our public institutions. In the experience of ICAP’s attorneys and clients, deaths in custody can also provoke a crisis in confidence of the broader justice system, undermining its purpose and effectiveness. When community members do not trust the state to protect the health and welfare of vulnerable people in its control, they lose trust in its ability administer other critical functions, and are less inclined to participate in essential roles, among them serving as witnesses and jurors. It is essential that system actors work to respond urgently, diligently, and appropriately to such incidents and concerns to restore public confidence, save lives, and reduce downstream negative impacts on public safety.

A critical portion of this work is increasing public access to our justice institutions to ensure that they adhere to our laws and Constitution, and “to the end that the public may judge whether our system of criminal justice is fair and right.”¹ Moreover, if future harms and deaths are to be prevented, it is essential that institutions understand why they occur. This legislation furthers those aims by ensuring that details of in-custody deaths will be publicly accessible, and creating systems to identify the causes of system failures and adopt remedial policies through the review and supervision of an independent Oversight Board. The legislation recognizes the balance between public accountability and individual privacy, and represents an essential step to preserve the sanctity of life of people confined by the state.

¹ *Maryland v. Baltimore Radio Show*, 338 U.S. 912, 920 (1950).

For these reasons, we urge you to support Senate Bill 36 and House Bill 565.

Sincerely,

Mary B. McCord
Legal Director
Institute for Constitutional Advocacy and Protection
Georgetown University Law Center
mbm7@georgetown.edu

HB565_Stephanie Herold_FAV .pdf

Uploaded by: Stephanie Herold

Position: FAV

Date of Hearing: March 7, 2024

From: Stephanie Herold, 6519 40th Avenue, University Park, MD 20782,
Stephmark67@comcast.net

Testimony on HB565/SB036 – Position Favorable - Maryland Deaths in Custody Oversight Board

To: Chairman Clippinger, Vice-Chair Bartlett, and Members of the House of Delegates Judiciary Committee,

I am submitting this testimony in support of HB565/SB036 Maryland Deaths in Custody Oversight Board.

As a resident of District 22 and a volunteer member of Courtwatch PG, I've observed bail hearings where medications or other medical or mental health care were not provided. Community members presumed innocent are often held for extended periods in custody awaiting trial. While incarcerated, they are exposed to dangers to their physical and mental health, at times leading to death. Oversight is needed to accurately report and document, independently investigate, provide recommendations, and hold responsible parties accountable. I am strongly in favor of HB565/SB036.

The study, "In-Custody Deaths in Ten Maryland Detention Centers, 2008-2019," by the BioCritical Studies Lab (Dr. Johnson, Dr. Keel, and others) documents that over 80% of the deaths in their sample occurred while awaiting trial, prior to conviction of a crime. Over half of the deaths were within ten days of admission to the facility, and one sixth died within two days. The facilities with the most instances were in jurisdictions with both high rates of poverty and large numbers of Black residents. The study identified significant barriers in public access to information about in-custody deaths, and HB565/SB036 requires facilities to report this information.

HB565/SB036 also requires the Board to conduct specified reviews and analyses relating to deaths of all incarcerated individuals in Maryland, to make recommendations and oversee the implementation of recommendations, and to create compliance plans. Deaths in custody have significant societal impacts, devastating families and community trust. Many cases are classified by the Medical Examiner as "natural death," which is inadequate and may be incorrect. Family members deserve to know what happened to their loved ones, and every person should be treated with dignity and decency.

In closing, it is my belief that transparency and the implementation of these recommendations will result in improvements, such as better medical and mental health care in these facilities, allowing incarcerated individuals the opportunity to thrive when reentering our broader community. I respectfully urge this committee to return a favorable report on HB565/SB036. Thank you.

Copy to:

Senator Alonzo T. Washington

Delegate Anne Healey

Delegate Ashanti Martinez

Delegate Nicole A. Williams

Keel UCLA Testimony HB36.pdf

Uploaded by: Terence Keel

Position: FAV



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

SWASC HB 565 Testimony FAV.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 565
Maryland Deaths in Custody Oversight Board
Judiciary
March 7, 2024

Dear Chairman Clippinger and members of the House Judiciary Committee,

Social Work Advocates for Social Change strongly supports HB 565, which will establish the Maryland Deaths in Custody Oversight Board to analyze and make findings and recommendations related to deaths of incarcerated individuals. The Board established by this legislation will be required to include members with relevant professional backgrounds, community members, and formally incarcerated individuals. HB 565 will improve the safety and quality of facilities run by the Department of Public Safety and Correctional Services (DPSCS) by identifying ways to reduce preventable deaths of individuals in custody, protect the constitutional rights of individuals in custody, and ensure that proposed solutions are taking consideration of the lived experience of incarcerated individuals.

HB 565 will reduce the number of preventable deaths that occur in custody. Most deaths that occur in custody in Maryland happen within the first 10 days of being in jail.¹ The Deaths in Custody Oversight Board will provide critical data analysis for improving the overall policies and practices of DPSCS to reduce the number of individuals that die in custody. The main causes of death in custody are natural (illness), suicide, and drug or alcohol overdose.² These causes are highly preventable if proper interventions based on an understanding of the needs of the institutions and the individuals are implemented.

HB 565 will protect the Sixth Amendment of incarcerated individuals. Over 80% of individuals incarcerated in Maryland jails were being held for pre-trial detainment in 2023.³ A recent study found that of the 180 deaths that occurred in custody, 85% of those individuals were in pre-trial detainment.⁴ Any person that dies prior to their

¹ Silverman, E., & Hilton, J. (2023, September 29). Study of Md. in-custody deaths finds many occur in first 10 days in jail. *Washington Post*. <https://www.washingtonpost.com/dc-md-va/2023/09/29/md-jails-in-custody-deaths-report/>

² Johnson, C., Keel, T., Li, A., Robinson-Sweet, A., Rossi, E., Sosa, G., & Walters, J. (2023). In-Custody deaths in ten maryland detention centers, 2008-2019. <https://www.ucla.edu/>, 6. <https://ucla.app.box.com/s/zdrks72p1bja1n6pow7c4rtplnxs0h/file/1284212661129>

³ *Local Detention Center Population Statistics Dashboard - Governor's Office of Crime Prevention, Youth, and Victim Services*. (2022, October 31). Governor's Office of Crime Prevention, Youth, and Victim Services. <https://goccp.maryland.gov/data-dashboards/local-detention-center-dashboard/>

⁴ Johnson et al. (n 2) 5



For more information, please contact
Nicholas Rosenberg
umswasc@gmail.com

sentencing, especially when the loss of life could have been prevented through reasonable actions or policies of DPSCS, has been denied their full Sixth Amendment rights. It is the duty of the State government to take every reasonable action to protect the Constitutional Rights of all citizens in their care.

HB 565 will prevent wrongful death lawsuits, saving the state significant funds. The death of Anton Black in 2019 resulted in the state paying \$235,000 as part of a wrongful death settlement.⁵ Without external oversight, the state increases the risk of similar costly lawsuits for the deaths of incarcerated individuals. The board established by this legislation will address systemic issues, reducing the likelihood of such lawsuits, and protect both lives and the state's financial interests.

HB 565 values the input of individuals with lived experience. The requirement of having at least 2 formally incarcerated individuals and 2 family members of incarcerated individuals on the board ensures that firsthand perspective is considered when developing the recommendations for DPSCS. The input of these members will provide insight into what aspects of our correctional facilities are going unaddressed when it comes to the wellbeing and safety of individuals in custody.

Every preventable death of an incarcerated individual is a failure of the State to protect the life and liberty of its citizens. For there to be justice in our correctional system every person that is held in custody must have the best opportunity to survive from the moment they enter a jail to the day they have finished their sentence. **Social Work Advocates for Social Change urges a favorable report on HB 565.**

Sincerely,
Social Work Advocates for Social Change
Baltimore, MD

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁵ Wiggins, O. (2023, November 9). Maryland settles in suit involving medical examiner's office. Washington Post. <https://www.washingtonpost.com/dc-md-va/2023/11/08/anton-black-medical-examiner-settlement/>

Testimony for HB 565 - Haines.pdf

Uploaded by: William Haines

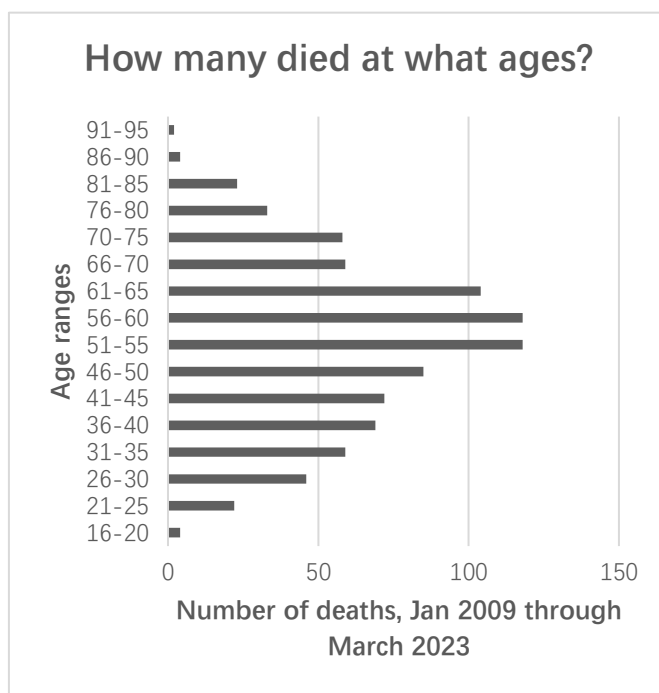
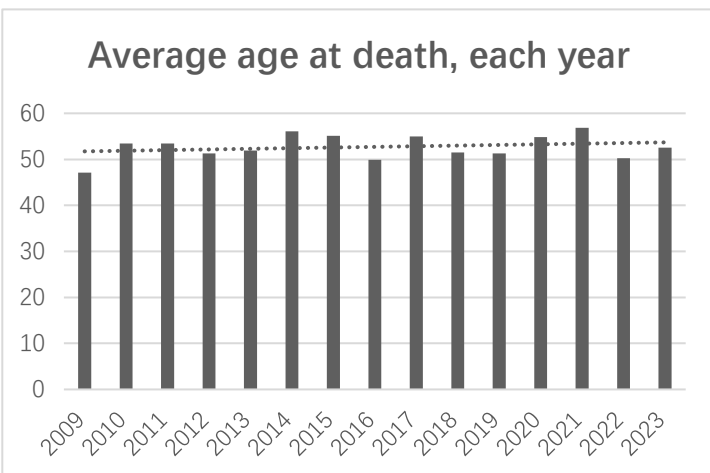
Position: FAV

Chairman Clippinger and Members of the House Judiciary Committee, please consider the following facts and support House Bill 565.

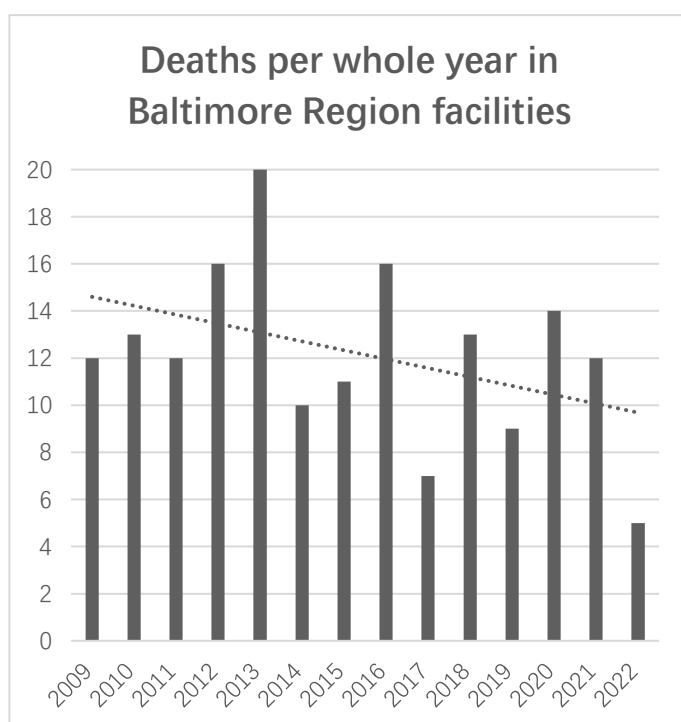
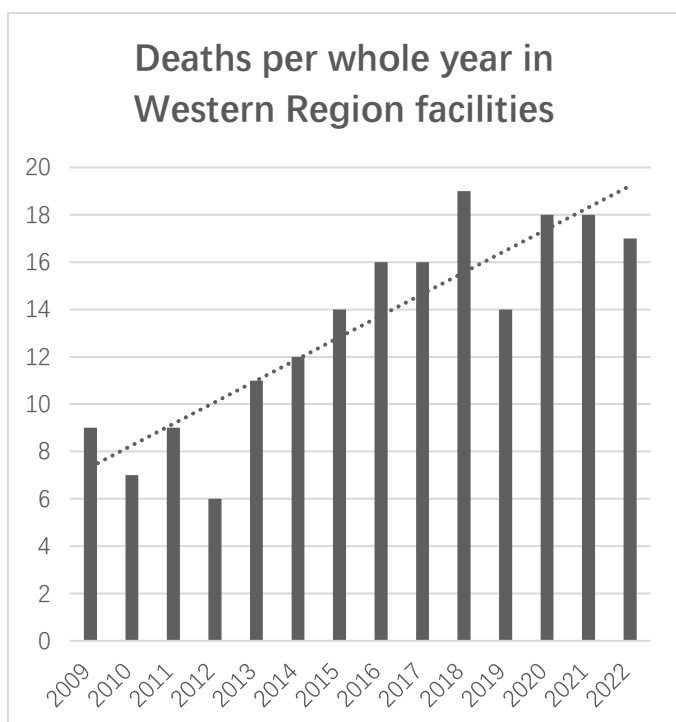
Facts about Deaths in Maryland Prisons, 2009-2023

DPSCS recently released its list of 884 deaths in their custody from January 1, 2009, through March 28, 2023. Here are some findings based on that list and total facility population figures from DOC/DPSCS Annual Reports online, looking mainly at the whole years 2009-2022. Trendlines are calculated by Excel. Download all DPSCS data and our full calculations at <https://tinyurl.com/DPSCS-mortality>.

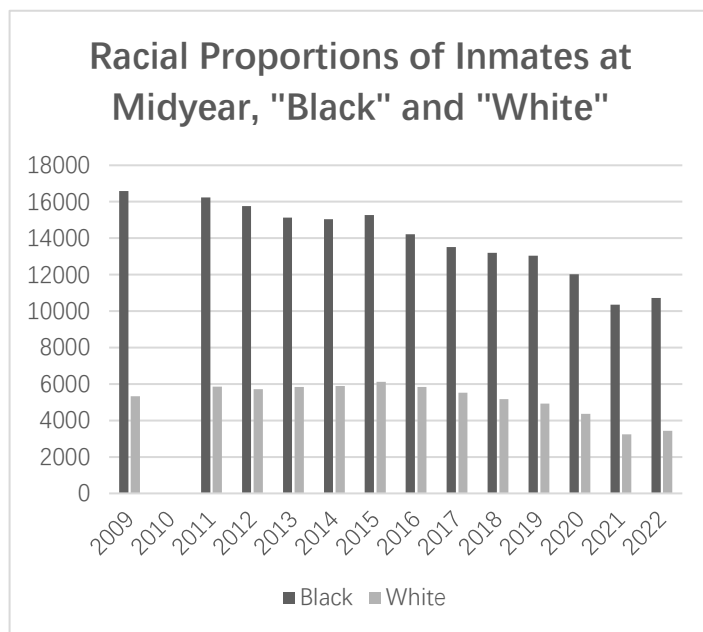
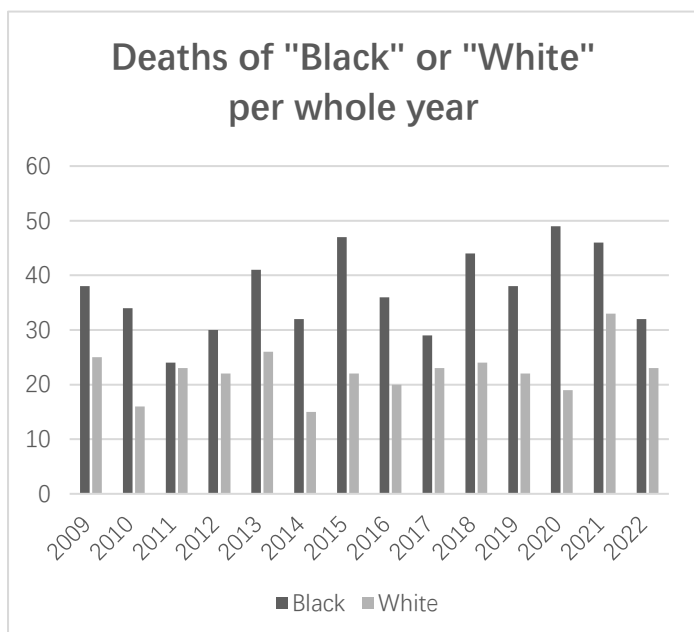
Age at the time of death in custody.



Some regions are doing a better job than others. For example:



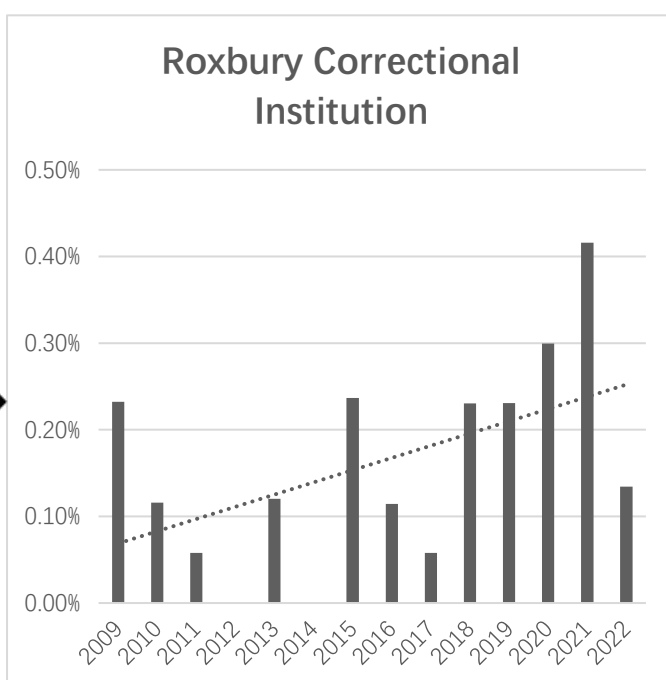
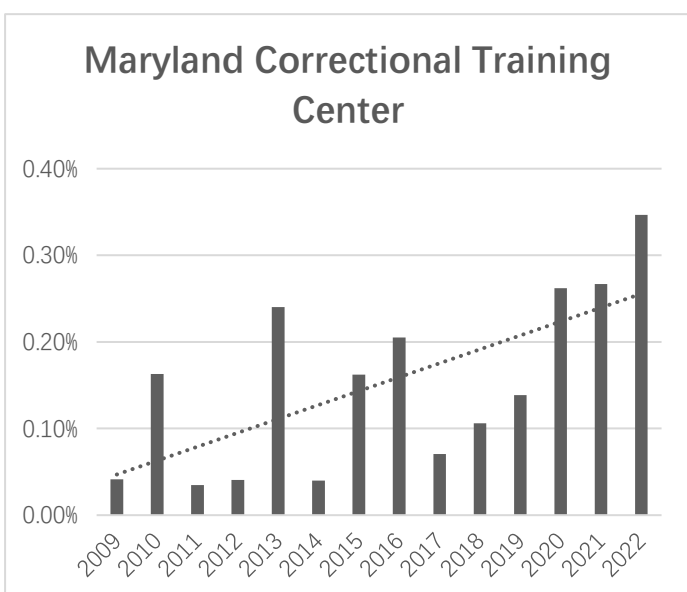
“White” inmates have a higher mortality rate than “Black” inmates.



Mortality at most prisons is rising fast.

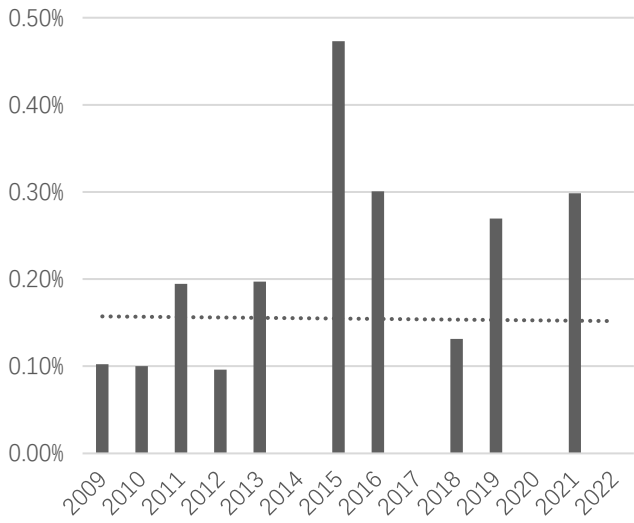
What percentage of a prison’s population die, each year? Here are the mortality rates for the state facilities for which we have good numbers, for the 14 full years from 2009 through 2022, based on individual deaths reported by DPSCS, and midyear resident populations for the facilities given in DOC/DPSCS annual reports.

For comparison, the Bureau of Justice Statistics says¹ the annual mortality rate among all state and federal prisoners in 2001-2018 was 0.23%, marked by this sign **◆** below. Charts are on the same scale.

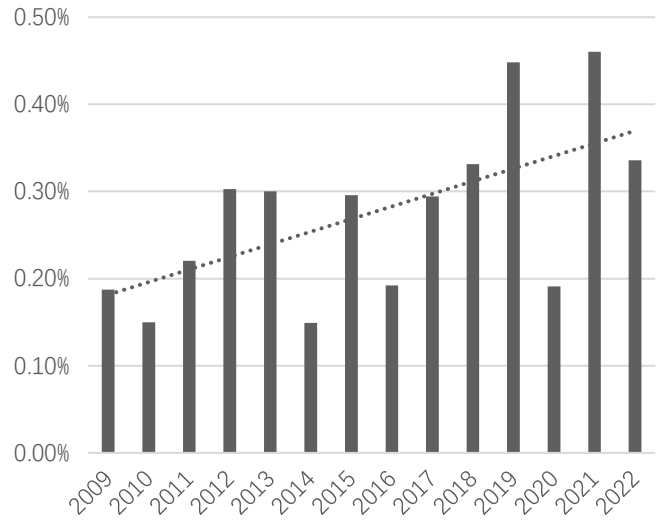


¹ <https://bjs.ojp.gov/content/pub/pdf/msfp0118st.pdf>

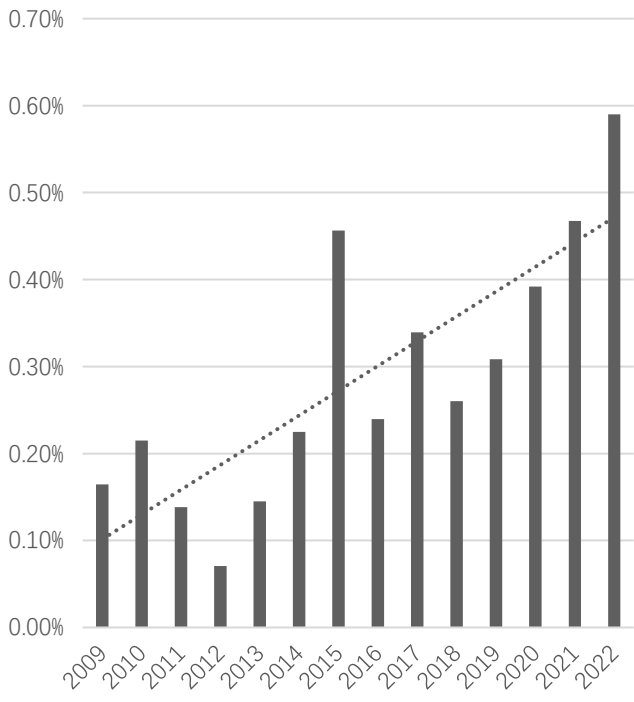
Maryland Correctional Institution - Jessup



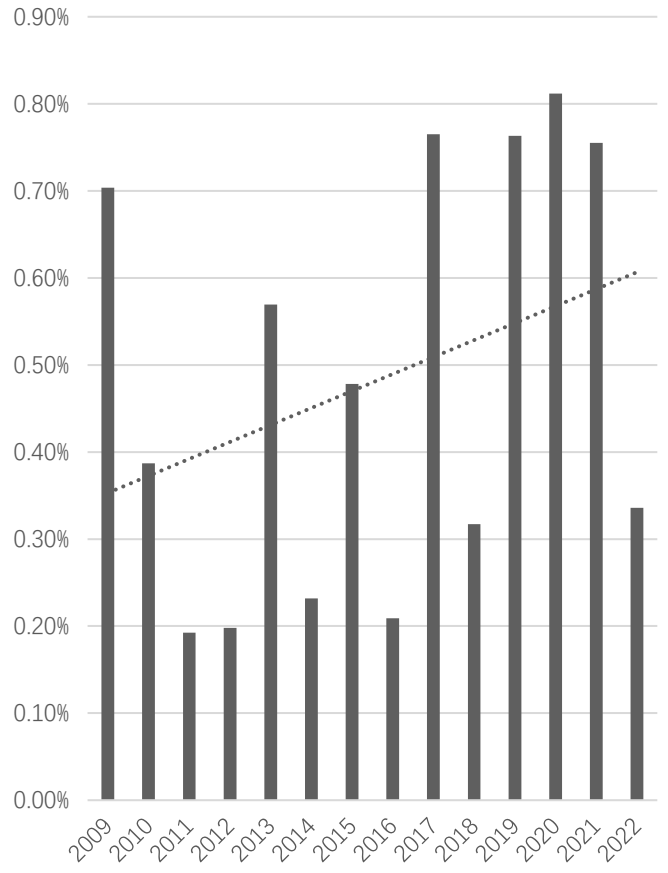
Eastern Correctional Institution (East and West)

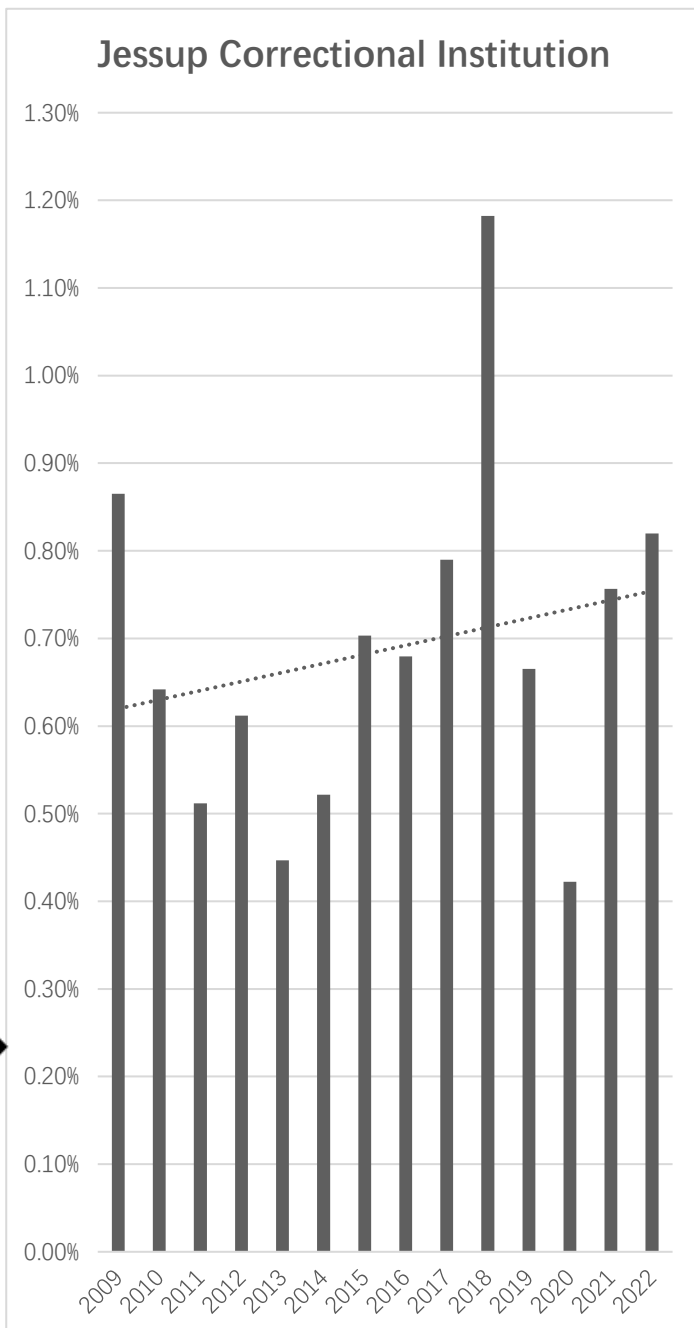
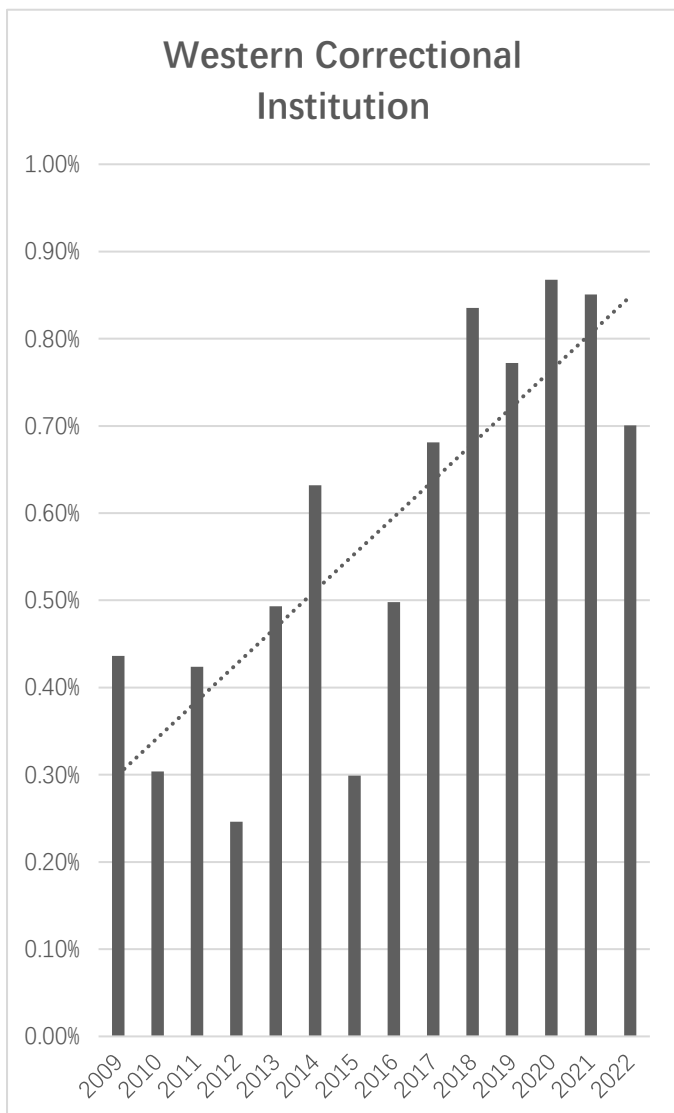


North Branch Correctional Institution



Maryland Correctional Institution - Hagerstown





Changes over time suggest that facilities' actions influence death rates.

Essential mortality factors highly responsive to DPSCS employee actions and polices include:

- Quality and quantity of nutrition
- Heating in winter, cooling in summer
- Ventilation and air filtration
- Sanitation, and hygiene supplies
- Lessening of stress and boredom
- Adequate communication with loved ones

- Realistic access to medical care
- Real medical care
- Protection from violence
- Separation of the contagious
- Avoidance of solitary confinement, especially for the mentally ill

Thank you for your consideration.

Respectfully submitted,

William A. Haines

HB565_DPSCS_LOI.pdf

Uploaded by: Catherine Kahl

Position: INFO



**Department of Public Safety and Correctional Services
Office of Government & Legislative Affairs**

45 Calvert Street, Suite 7A, Annapolis, MD 21401
(443) 240-8696 • www.dpscs.maryland.gov

STATE OF MARYLAND

WES MOORE
GOVERNOR

ARUNA MILLER
LT. GOVERNOR

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ANNIE D. HARVEY
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ANGELINA GUARINO
ASSISTANT SECRETARY
DATA, POLICY AND GRANTS

RENARD E. BROOKS
ASSISTANT SECRETARY
PROGRAMS, TREATMENT &
RE-ENTRY SERVICES

BILL: HOUSE BILL 565

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill establishes the Maryland Deaths In Custody Oversight Board within the Office of Crime Prevention, Youth and Victim Services for the purpose of conducting administrative and clinical mortality review for every death of an incarcerated individual in the State.

COMMENTS:

- The Maryland Death In Custody Oversight Board will be responsible for administrative and clinical mortality reviews of every death of an incarcerated individual, provide analysis and develop recommendations for facilities to prevent future deaths and improve care.
- The Senate crossfile (SB36) passed Favorable with Amendments. The bill as amended requires the Maryland State Police to investigate any death of an incarcerated individual suspected to be a homicide that occurs while the individual is in the custody of the Division of Correction and report the numbers on their website.
- The Department would like to see HB 565 conform to the Senate crossfile.

CONCLUSION: The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information when deliberating on House Bill 565.

Late testimony

Uploaded by: Laura Herrera Scott

Position: INFO



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary
March, 7 2024

The Honorable Luke Clippinger
Chair, Judiciary Committee
Room 101 House Office Building
Annapolis, Maryland 21401

RE: House Bill 565 – Maryland Deaths in Custody Oversight Board – Letter of Information

Dear Chair Clippinger and Committee Members:

The Maryland Department of Health (MDH) – Office of the Chief Medical Examiner (OCME) respectfully submits this letter of information for House Bill (HB) 565 – Maryland Deaths in Custody Oversight Board.

This bill seeks to establish the Maryland Deaths in Custody Oversight Board within the Governor's Office of Crime Prevention, Youth, and Victim Services, to analyze and make findings and recommendations related to deaths of incarcerated individuals.

The Maryland Office of the Chief Medical Examiner (OCME) is a statewide agency responsible for the investigation of all sudden and unexpected deaths in the State, including all non-natural deaths that occur due to injury, suspicious circumstances, and/or not in the attendance of a physician. The OCME is required by law to investigate deaths occurring in State-funded or State-operated facilities, which includes incarcerated individuals in correctional facilities and detention centers. Law enforcement in the jurisdiction where the death occurs is required to report the death to the OCME. As written, HB 565, would require the Maryland Deaths in Custody Oversight Board to include a licensed forensic pathologist. MDH respectfully suggests that the Chief Medical Examiner for the State of Maryland (or their designee) is the most suitable board certified and licensed forensic pathologist in the State to advocate for the deceased, and as such, should have an ex-officio appointment to the Board. Further, additional time (one hundred and eighty days) is recommended for report production because of the time it takes for the performing medical examiner to receive all necessary materials (including, but not limited to: standard ancillary test results, consultative examination reports, and materials from outside agencies) in order to perform a comprehensive review, certify the death, and compose the finalized autopsy report.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Scott", written in a cursive style.

Laura Herrera Scott, M.D., M.P.H.
Secretary

AMENDMENTS TO SENATE BILL 36
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 15, strike “AT LEAST ONE LICENSED FORENSIC PATHOLOGIST” and substitute “THE CHIEF MEDICAL EXAMINER OR THEIR DESIGNEE.”

AMENDMENT NO. 2

On page 5, in line 18, strike “ 30” and substitute “180”.

hb565.pdf

Uploaded by: Linda Miller

Position: INFO

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Vill 565
Maryland Deaths in Custody Oversight Board
DATE: February 1, 2024
(3/7)

COMMENT PAPER

The Judiciary has no position on this legislation, but requests that the bill be amended to remove lines 15 – 16, on page 6, which requires the Board to submit any findings and recommendations to “any judge presiding over a case related to the incarceration of the deceased individual.” Having a third party send a presiding judge a report would violate the prohibition against ex parte communications. Additionally, the report may contain information inappropriate for the presiding judge to consider, depending on the nature of the case over which the judge is presiding. Moreover, the parties themselves may object to the presiding judge receiving such information. As such, the Judiciary requests that this provision be removed.

cc. Hon. Gary Simmons
Judicial Council
Legislative Committee
Kelley O'Connor