

Maryland Deaths in Custody Transparency, Reporting, and Oversight Act

Purpose: To ensure that deaths in custody are publicly reported; to identify and remedy the leading causes of deaths in custody; to protect the health and dignity of individuals in custody

Advocates proposing the legislation: Carmen Johnson, Ph.D., Founder of Helping Ourselves to Transform; Dr. Terence Keel, Ph.D., Founding Director of the UCLA BioCritical Studies Lab, and Prof. of African American Studies and Society & Genetics; Elizabeth Rossi, Director of Strategic Initiatives, Civil Rights Corps; Qiana Johnson, Executive Director of Life After Release

Section 1: Establishing the Oversight Board

- The Act will create an independent Oversight Board that will review all in-custody deaths.
- The Board will produce an investigative report on the circumstances leading to every death in custody in Maryland. The report must be completed within 30 days of the death and made public within 7 days of completion.
- Along with each report, the Board will offer recommendations for preventing further deaths in custody, and will oversee implementation of those recommendations.
- Each in-custody death report and compliance plan must be shared with the House of Delegates Judiciary Committee, the Senate Judicial Proceedings Committee, the Attorney General, the Governor's Office of Crime Control and Prevention, the judge that has or most recently had jurisdiction over the deceased person's case, and the deceased's next of kin.

Section 2: Reporting Requirements

- The agency or individual in whose custody a death occurred must notify the Oversight Board within 24 hours of the person's death.
- Each report must include specific information about the deceased person and the circumstances of their death, including:
 - Demographics of the deceased, such as name, birth date, gender, race, and ethnicity;
 - A narrative, detailed description of the circumstances of the death; and
 - Information about the basis for the person's detention.
- An autopsy report must be automatically released to next of kin and the Oversight Board within 10 days of its completion, free of charge. The report must be publicly available upon request.

Section 3: Key Definition

- "In-custody death" means any death that occurs while a person is detained, under arrest, or involved in an arrest attempt; is being transported while under the custody of law enforcement or correctional officers; is in an institution's infirmary or in a hospital under the custody of law enforcement and correctional officers; is being or believes they are being pursued in a motor vehicle by a government official; or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, other local or state correctional facility (including any juvenile or detention facility), or any facility in the state of Maryland that detains people on behalf of Immigration and Customs Enforcement.