



**Testimony for the House Judiciary Committee**  
**March 13, 2018**  
**HB 1256 Public Safety - Deaths Involving a Correctional Officer – Reports**

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**FAVORABLE**

The ACLU of Maryland supports HB 1256, which would require state and local correctional facilities to report certain information regarding deaths that occur in state and local correctional facilities while correctional officers are in the line of duty.

HB 1256 is the logical next step to make state reporting on deaths in custody more comprehensive. In 2015, this body passed and the Governor approved HB 954, which now requires law enforcement agencies to report on deaths that occur as a result of a police encounter. Without the reporting required under HB 1256, it is virtually impossible for the public, elected leaders, or correctional administrators to gauge the magnitude of deaths that occur in our facilities. More importantly, without this information we cannot ferret out problematic trends—if certain prisoners are more prone to dying during incarceration, or if particular facilities experience higher fatality rates than others.

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**Public reporting is particularly important in the corrections context**

This body has already recognized the need to report publicly on the number and circumstances surrounding deaths in law enforcement encounters. This need is even more acute in the correctional context because the public has very little access to the inside goings on of a correctional facility. In the law enforcement context, the public can at least cobble together data from news outlets to determine problematic fatality trends. In the correctional context, the public can only rely on the candor of the correctional facility—and even that fluctuates as administrations change hands.

**Federal reporting is voluntary and subject to change**

Several of the data points included in HB 1256 are included in the federal Deaths in Custody Reporting Program. However, the federal reporting system operates on a voluntary basis. States, including Maryland, can choose to opt out of the reporting requirement at any time. Moreover, the federal reporting system is itself subject to change—in 2016, there was a proposal to shift the system's input from voluntary reporting by states to an open-source format, which means reliance on news media sources, which can be unreliable and sometimes inaccurate.

**HB 1256 puts all correctional facilities on an even playing field**

Under the current deaths in custody reporting law, sheriff-run detention centers are required to report on the deaths that occur in their facilities. Therefore, some correctional facilities are already reporting pursuant to the 2015 law. HB 1256 simply brings all correctional facilities into line.

For the foregoing reasons, the ACLU of Maryland supports HB 1256.