

TESTIMONY IN FAVOR OF SB 1029
Steven Sellers Lapham, Gaithersburg, Maryland

March 3, 2020

Dear Maryland Legislators,

I am in favor of amending the Maryland Public Information Act (MPIA) so that ALL complaints made against any police officer are accessible to the public. This bill would be an important part of holding law enforcement officers accountable to the communities they serve. The bill would ensure that the public can access all complaints made against officers who abuse the trust of the community.

We are aware that police authorities, however, are trying to make sure that only records of "sustained" infractions are available to the public — and they rarely "sustain" any complaints made by community members about officers. (See **table**, page 2., showing Montgomery County data from 2018.) To be effective at all, the MPIA should allow the public to see both sustained and unsustained complaints in full—as is the law in more progressive states, and as Senate Bill 1029 calls for.

I am a member of the Silver Spring Justice Coalition, which was founded by civilians outraged at the killing of Robert White (an unarmed black man strolling through his own neighborhood) by a Montgomery County police officer, in 2018. We never learned about the history of the officer who killed Mr. White.

In December 2019, I sat in a courtroom as the jury watched a civilian's cell-phone video revealed a Montgomery County police officer driving his knee into the neck of a suspect who is face down on the sidewalk, prone, subdued, his hands cuffed behind his back. It looked to me that the officer could have paralyzed the man with that full-body-weight strike. The 12-member jury convicted the officer of second-degree assault, but found him not guilty of misconduct in office. The video is online.

Could this crime have been prevented if the public had access to records of prior civilian complaints against this officer? Research has shown that the total number of civilian complaints (both sustained and unsustained) against an officer are predictive of future misconduct. See the 2018 study by Professor Max Schanzenbach, who is interviewed in this PBS report: news.wttw.com/2018/09/12/study-civilian-complaints-can-be-used-predict-future-police-misconduct.

Could public knowledge of all complaints of misconduct have prevented the shooting by a Prince George's County officer who killed William Green, 43, of Southeast Washington in February 2020?

I can go online to find customer critiques of plumbers, dentists, and doctors. Why should police, who are public servants, who are authorized by the state to carry guns in their employment as officers of the peace, be able to avoid evaluation by the public they serve? I do not find any logic in that practice. I support this bill, which would help give the public access to all relevant information. We have a right to know.

Sincerely,

Steven Sellers Lapham

18737 Purple Martin Lane, Gaithersburg, MD 20879

Civilian Complaints Against Police are Rarely Sustained

Under current laws, we can learn about only a small sample of the violence that residents are actually experiencing. People who feel they've been abused by police rarely file a complaint. When they do, the police department itself decides whether a complaint is valid. As these numbers show, the police rarely decide that their own officers have behaved poorly. This is one reason why the public needs access to all civilian complaints, not merely the few that are "sustained." (*Notice that 14 complaints from 2018 are still being processed as of February 2020, so the final count of sustained allegations is still to be determined.)

Data from **2018**, Montgomery County, Maryland

Type of Civilian Complaint	Allegations Made	Open Allegations	Sustained Allegations
Use of Force by Police	32	7	2
Discrimination/Harassment	19	4	1
Untruthful Statement	8	2	1
Sexual Assault	2	1	0
TOTAL (as of February 2020)	61	14	4

SOURCE: In response to a request from a state legislator, MCPD Chief Marcus Jones provided these data about civilian complaints against Montgomery County police. The ACLU made this information more widely available in February of 2020. Chief Jones wrote to the legislator, "I am providing you with the statistics you requested regarding complaints against our officers. Some of the data includes complaints regarding all MCP employees to include police officers. There are a few explanations regarding the data to include open allegations are pending investigations or pending trial boards selected by the officers charged. These events are not adjudicated and thus remain open. Allegations are investigated and are classified in several ways; cases closed as unfounded, insufficient evidence, exonerated, policy failure, not sustained or administratively closed. Sustained cases are cases that have been finalized with plea agreements or findings of guilt in a trial board."

These tables were prepared by Steven Sellers Lapham with assistance from the Silver Spring Justice Coalition.

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