

Jeffrey A. Harrison

Date: March 3, 2020

Position: **Oppose unless amended**

Contact: Delegate Clippinger

Bill Number: **HB 1221**

House Committee: Judiciary

Bill Title: Public Information Act

- Personnel and Investigatory Records - Complaints Against Law Enforcement Officers

Dear Committee Chair Clippinger, Committee Vice-Chair Atterbeary, and Committee Members:

Maryland residents and visitors who file a complaint against law-enforcement officers deserve to learn not only that their complaint was investigated and that there was a final outcome in the investigation, but also what the investigation consisted of. Currently in Maryland, the complaint-investigation files are categorized as confidential personnel records. Therefore, complainants and their families currently are unable to get justice and closure in the wake of traumatic interactions with law-enforcement officers. Trauma stays with families for a lifetime. Distrust of law-enforcement agencies continues, because of the lack of accountability and the lack of transparency across Maryland.

Based on statistics from Baltimore City and Prince George's County police departments, only a minority of complaint investigations result in a finding that the allegation is Sustained.

HB1221, **as introduced**, is an illusion. The introduced language only allows disclosure of complaint investigation records in relatively few cases:

1. Cases, regardless of the investigatory finding, for:
 - a. Discharge of a firearm at a person by an officer; and
 - b. Use of force resulting in death or serious bodily injury.
2. Only **sustained** investigatory findings of:
 - a. Sexual assault against a member of the public;
 - b. Dishonesty, perjury, false statements, false reports, destroyed, falsified or concealed evidence directly related to the reporting, investigation, or prosecution of a crime; and
 - c. Prohibited discrimination directly related to the reporting, investigation, or prosecution of a crime.

We need more complaint-case-record information to be categorized as releasable information.

Please **adopt amendments** which would allow (but not mandate) the disclosure of complaint records from all of these cases, regardless of the investigative finding:

1. Use or attempted use of force;
2. Sexual assault;
3. Dishonesty, perjury, false statements, false reports, destruction, creation, falsification or concealing evidence, directly related to the reporting, charging, investigation, or prosecution of unlawful conduct;
4. Discrimination or bias;
5. Misconduct alleged by a member of the public, or involving an interaction with a member of the public, that is directly related to the reporting, charging, investigation, or prosecution of unlawful conduct; and
6. Criminal activity by a law-enforcement officer.

If the amended bill becomes law, I hope that complainants and other relevant people will be able to get the complaint investigation-record information that they deserve to see, without any new roadblocks. Maryland needs this transparency.

For those reasons, I respectfully oppose the bill unless it is amended. Thank you.

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(a member of Greenbelt People Power and of Community Justice Coalition)