

David A. Plymyer  
717 Maiden Choice Lane #207  
Catonsville, MD 21228-6114  
dplymyer@comcast.net  
410-979-2505

January 18, 2021

Hon. William C. Smith, Jr., Chairman  
Maryland State Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, Maryland 21401

**SUBJECT: SB 178 – Favorable**

Dear Senator Smith:

I urge favorable consideration of SB 178. It is a modest but important step toward transparency of police disciplinary records. There is no accountability for any governmental activity without transparency. That goes double for law enforcement because so much is at stake. No other governmental function has the potential for such a direct and immediate impact on individual citizens, up to and including depriving them of their liberty and even their lives.

SB 178 sensibly reclassifies police disciplinary records from a categorical to a discretionary exemption (“permissible denial”) from disclosure under the MPIA. The discretion of a custodian to deny inspection by a “person in interest” is limited to specific circumstances. For other persons seeking inspection, the law allows individual jurisdictions and their police departments to craft policies for inspection best suited to their individual needs. The Maryland Court of Appeals held in *Caffrey v. Department of Liquor Control*, 370 Md. 272 (2002), that a local government could by law waive in whole or in part the right of its officials to assert permissible denials under the MPIA.

Personally, I favor unrestricted public access to records of police discipline arising from dishonesty or untruthfulness, or verbal or physical abuse of a citizen – in other words, matters that directly affect an officer’s fitness to be a police officer. SB 178 is a step in the right direction and would allow local governments to adopt broader access to police disciplinary records than state law requires.

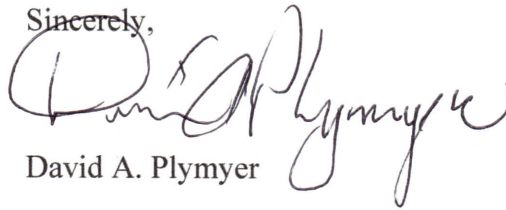
Finally, I would like to address the suggestion by some that bills such as SB 178 are “anti-police.” That accusation is false and offensive. Both as an assistant state’s attorney and as County Attorney for Anne Arundel County I worked with police officers in various capacities. Many of the officers were among the finest public servants whom I have had the privilege to know. The idea that it is “anti-police” to recognize that we must do a better job of identifying and removing bad cops is preposterous.

Effective law enforcement is absolutely essential. To be effective, a police department must earn and retain the trust of the citizens it serves and protects. Where that trust has been lost, it will be regained only through transparency and accountability.

SB 178 is not anti-police. It is about restoring police officers to their rightful, and necessary, positions of respect within their communities in the interests of keeping all of us – including police officers – safe.

Thank you very much for considering my written testimony in favor of SB 178.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Plymyer". The signature is written in a cursive style with a large initial "D" and a long, sweeping tail.

David A. Plymyer