



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judicial Proceedings Committee

FROM: Chief of Staff David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 1, 2022

RE: **HB 1042 – Public Information Act – Police Officers – Unfounded Complaints**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 1042 WITH AMENDMENTS**. This bill would establish that a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is a personnel record and therefore not subject to release under the Public Information Act if the complaint of misconduct was unfounded.

Last year legislation passed, CH. 62, Acts of 2021, that broadly opened access to a law enforcement officers investigative records. While supporting efforts to enhance law enforcement transparency and accountability, MCPA and MSA opposed providing access to these investigative records as it places an officers' personal safety at risk and that of their families, damages law enforcement's efforts to further establish relationships within some of our most vulnerable communities, and risks compromising the integrity of due process for both officers and the communities they serve. The broad release of investigative and disciplinary files (by anyone, at any time) risks many detrimental effects, and there is no way to prevent re-disclosure or publication of this information.

MCPA and MSA strongly support HB 1042 as it would prohibit the disclosure of allegations that are unfounded, a determination that an allegation did not occur. MCPA and MSA are aware of amendments being offered by the sponsor to also prohibit the disclosure of records if the officer is exonerated, the allegation did occur but there was no wrongdoing. Releasing information with any other finding except sustained could damage an officer's career and reputation. Further, the secondary dissemination could put the officer and his or her family at risk. It would be very easy for information to be distorted and inaccurate conclusions drawn with ramifications lasting for years.

Therefore, MCPA and MSA strongly **SUPPORT HB 1042 WITH AMENDMENTS** offered by the sponsor to ensure unfounded and exonerated investigative records are prohibited from release.