

SB0747 PIA Personnel Records-Police Officers.pdf

Uploaded by: Adiena Britt

Position: UNF

SB0747-Public Information Act - Personnel Records - Police Officers

Stance: Unfavorable

Testimony: My name is Adiena Britt and I reside within the 45th Legislative District. I am writing against SB0747 because it is an attempt to repeal parts of Anton's Law that was passed two years ago as part of a comprehensive Police Reform package. Police Officers in the State of MD have unprecedented protections that are not afforded to any other citizens. When they act in manner that violates someone's civil rights, they should not be protected. When they are accused of brutality of any sort, they should not be protected. If they have a history of being a repeat, violent offender of citizens; they should not be protected. This is a sad attempt to maintain the violent culture of policing.

I know from experience that there are divisions within police departments, who are supposed to investigate these incidents; yet time and time again they side with the police officers. These instances feel like they are covering up for officers, and often times they list complaints as "unsustained". This is common knowledge. All of these complaints should be part of what is divulged during a public information act request, because there is relevance in them. In order to establish that an officer has a pattern and practice of misconduct, regardless of whether the Internal Affairs Division chooses to cover up for them or not; is pertinent to the requestor.

Stop providing cover for the "bad apples", if such a thing exists. The culture of policing needs to be cleaned up and revamped. They don't need any more protections, they need to be better officers.

Against - repeal of anton's law.pdf

Uploaded by: Bonnie Weissberg

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD District 41. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

SB747 would gut this reform by changing the MPIA to once again define all police misconduct records as personnel records that cannot be disclosed even if doing so is in the public interest. The statute as it currently exists protects the privacy of police officers by barring the disclosure of technical infractions, since these are purely internal disciplinary matters that don't relate to the officer's interaction with the community. This bill would fly in the face of common sense by making even criminal investigations of police immune from MPIA disclosure- a privilege, it is worth noting, that is not given to any other citizen who is investigated for a crime- and would again shield police from all public scrutiny individually or in the aggregate for their conduct and the effectiveness of the department's internal affairs operations.

The bill attempts to evade this complaint by stating that allegations of excessive force or racial bias are not personnel records, but these two categories are far too narrow to encompass all the kinds of misconduct that the public rightly has an interest in. For example, if someone complained that a police officer stole his property, information about that investigation would be considered a personnel record unless the theft appeared to be specifically motivated by a racial bias. The two exceptions listed are simply a gesture to make it seem as if this bill takes account of the important public interest in scrutiny of police officers' use of their singular powers over the lives of their fellow citizens. It does not. This bill benefits no one except officers who are worried that their bad behavior, or accusations thereof, will at some point become public knowledge.

It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,
Bonnie Weissberg
1704 Mt. Washington Ct., Apt. H
Baltimore, MD 21209
Showing Up for Racial Justice Baltimore

SB747_Carol Stern_UNFAV.pdf

Uploaded by: CAROL STERN

Position: UNF

Carol Stern
4550 North Park Avenue, Apt T106
Chevy Chase, Maryland 20815

TESTIMONY ON SB 747 - POSITION: OPPOSED
Public Information Act - Personnel Records - Police Officers

TO: Chair Smith & Co-Chair Waldststeicher & Members of the Committee

FROM: Carol Stern

My name is Carol Stern, and I am testifying against SB797, as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that Anton's Law is a very important piece of criminal justice reform for Maryland is the directive issued in Deuteronomy 16:20, "**Tzedek, tzedek tirdof - Justice, justice shall you pursue.**" The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

As a resident of Montgomery County, I know of two important examples where Anton's Law was used to obtain records of police officers involved in serious complaints. 1) **The investigative file of the two officers, who verbally and emotionally abused and mistreated a 5-year old child and his mother at an elementary school in Silver Spring were obtained using Anton's Law.** This outrageous case that drew international attention did not involve a single charge of racial bias or excessive force, but it was essential for our community to know exactly what punishment was meted out in response to the officers' harmful actions.

2) By obtaining the records related to the officers who killed a young Black man in Gaithersburg, the **community learned that these officers had previously engaged in verbally abusive conduct towards a car full of young Black men during an unlawfully prolonged traffic stop.**

All of the information obtained using Anton's Law, has been used by advocates in Montgomery County to educate and advocate for important police reforms with lawmakers and community leaders.

I am opposed to SB 747 because it seeks to gut some of the most important parts of Anton's Law that we worked so hard to pass during many sessions in Annapolis. By limiting the community's ability to have the information it needs to advocate for its most vulnerable members, it will be impossible to rectify police misconduct and systemic problems with policing.

I urge you to issue an unfavorable report on SB747.

SB747 - repeal of anton's law.docx (1).pdf

Uploaded by: Christina Nemphos

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD District 40, living in the Medfield neighborhood of Baltimore. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

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Let us not forget the tragic reason for Anton's Law in the first place. Anton Black should be alive today, but he is not due to a law enforcement officer with a long history of misconduct.

It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Nemphos
1301 W 42nd Street, Baltimore, Md 21211
Showing Up for Racial Justice Baltimore

SB747 - repeal of anton's law.pdf

Uploaded by: Christina Pham Linhoff

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD District 46. **I am testifying in opposition to SB747.**



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It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Pham Linhoff
46 E Randall Street, Baltimore, MD 21230
Showing Up for Racial Justice Baltimore

SB0747_ClaireLanders_UNFAV.pdf

Uploaded by: Claire Landers

Position: UNF

Hearing: March 3, 2023

Claire Landers
Baltimore, MD 21209



TESTIMONY ON SB747 - POSITION: UNFAVORABLE
Public Information Act - Personnel Records - Police Officers

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Claire Landers, on behalf of Jews United for Justice (JUFJ)

My name is Claire Landers and I am a resident of District 11 in Baltimore County. On behalf of Jews United for Justice (JUFJ), I am submitting this testimony in opposition to SB747, Public Information Act - Personnel Records - Police Officers. JUFJ organizes 6,000 Jewish Marylanders and allies from across the state in support of social, racial, and economic justice campaigns.

My grandfather was a police lieutenant in the Boston Police Department. I grew up with police officers as neighbors and family friends with whom we enjoyed backyard parties and camping trips. I was comfortable around police officers, in and out of uniform. But this comfort was questioned when an unarmed teenager in our community was shot and killed by an officer in a local park. After this horrific incident, my parents advised my teenage brother: "If you are ever pulled over by a cop, do whatever they say. You don't know what could happen." Their warning speaks to a rabbinic teaching in Judaism that every human contains both a *yetzer ha'tov* (an inclination to do good) and a *yetzer ha'rah* (an inclination to do evil). In this vein, my parents helped my brother and me recognize that police departments are made up of individuals who exhibit the full range of human impulses and behaviors, from the very best — the officers we grew up with — to the very worst — the officer who killed our neighbor. For the good and evil we do, I learned, we are accountable to both God and our community.

I watched Sgt. Wayne Jenkins be held accountable to our community during his trial for the abuse, misconduct, and criminality he committed as leader of the Baltimore Police Department. I was shocked to learn that during his first two years as an officer, a full decade before he joined the Gun Trace Task Force (GTTF), Jenkins was the subject of multiple misconduct complaints that were ignored and/or buried by BPD supervisors and the internal affairs division via the department's own internal oversight and record keeping process. It is our duty to ask: What enormous damage might have been prevented if Jenkins' early misconduct contained in his internal disciplinary records had been accessible to public scrutiny? What if the GTTF and complicit BPD officers had been unable to rely on Maryland's unique restrictions around personnel records to "game the system" and fearlessly continue their brazen lawlessness?

Jenkins' trial and so many other accounts of police abuse have made abundantly clear that when officers engage in such patterns of misconduct, they not only directly harm their victims, but also cause long-term societal damage, particularly within Black and brown communities. The passage of Anton's Law in 2021 was an inspiring response from both chambers of the General Assembly toward removing restrictions to law enforcement's personnel records, repairing the public's basic trust in and regard for law enforcement, enhancing police departments' ability to deliver on public safety according to best practices, and advancing police accountability in our state. This crucial legislation brought Maryland up to speed with other states that already had authorized some public access around police officer disciplinary records. Anton's Law reflected, or at least seemed to, that we had arrived at a general consensus that residents who file complaints about officer abuse and misconduct deserve to learn whether their complaints have been addressed and how they will be resolved. Our state absolutely must not undo this progress by categorizing disciplinary records as "personnel files," nor rebuild the impenetrable wall of bureaucratic, legal secrecy around investigations into police misconduct.

Passing SB747 would undermine the ability of Anton's Law to meaningfully respond to widespread public demand for greater transparency, oversight and accountability over taxpayer-funded police departments.

On behalf of Jews United for Justice, I thank you for the opportunity to share our position and respectfully urge this committee to return an unfavorable report on **SB747**.

SB747 - repeal of anton's law.pdf

Uploaded by: Daryl Yoder

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD 44A. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

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It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

SB 747 Unfavorable.pdf

Uploaded by: Deborah Levi

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 747 Public Information Act - Personnel Records - Police Officers

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 03/01/2023

The Maryland Office of the Public Defender respectfully requests that this Committee issue an unfavorable report on Senate Bill 747.

Senate Bill 747 is, simply put, an open attempt to repeal Anton's Law. The bill also demonstrates a misunderstanding of the importance of transparency, the ways in which internal affairs complaints are categorized, and the need for police misconduct information to be public.

Internal affairs records are categorized by individuals within law enforcement. In other words, a civilian or an officer makes a complaint, and an individual within internal affairs will determine the category into which the complaint falls. The options that complaints can be categorized in are numerous and there is no consistency of categories from one jurisdiction to the next. Here is an example of just some of the options that one police department would choose from when categorizing a complaint:

Categories of Misconduct

ABSENT WITHOUT LEAVE (AWOL)	MEDIATION PROGRAM REVIEW	SUSPENSION
ABUSE OF DISCRETION/AUTHORITY	NEGLECT / FAILURE TO REPORT USE OF FORCE	UNNECESSARY FORCE
ABUSIVE OR DISCRIMINATORY LANGUAGE	NEGLECT / FAILURE TO SUPERVISE	UNSAFE OPERATION OF DEPARTMENTAL VEHICLE
COMPUTER/EMAIL/INTERNET MISUSE	NEGLECT/ FAIL TO ATTEND AND COMPLETE REQUIRED TRAINING	USE OF FORCE INVESTIGATION
CONDUCT UNBECOMING A POLICE OFFICER/EMPLOYEE	NEGLECT/BWC	VCS/DOMESTIC VIOLENCE
CRIMINAL ASSOCIATION	NEGLECT/FAILURE TO WRITE REPORT	VCS/DRIVING UNDER THE INFLUENCE (DUI)
DOMESTIC INCIDENT	NEGLECT/FIREARMS RELATED	VCS/OTHER FELONY
EXCESSIVE FORCE	NEGLECT/GENERAL	VCS/OTHER MISDEMEANOR
FAILURE TO APPEAR IN COURT (FTA)	NEGLECT/PRISONER RELATED	VCS/SEXUAL MISCONDUCT
FALSE ARREST/IMPRISONMENT	RACE-BASED PROFILING	VCS/THEFT RELATED
FALSE STATEMENT/REPORT	RESPONDENT IN CIVIL PROTECTIVE ORDER	VEHICLE ACCIDENT
HARASSMENT	RETALIATION	VEHICLE PURSUIT
IMPAIRING FIRST AMENDMENT RIGHTS	SECONDARY EMPLOYMENT VIOLATION	WORKPLACE HARASSMENT
IMPROPER STOP/SEARCH/SEIZURE	SUPERVISOR REQUEST	
INAPPROPRIATE COMMENTS AND/OR GESTURE(S)		
INSUBORDINATION		

Other common categories in that same jurisdiction include the following:

Common Categories of Misconduct

Assault
Evidence Planting
Abusive Conduct
Harassment & Discourteous Conduct
Illegal Searches and Seizures
Perjury & Other False Statements
False Arrest
Failing to Report Misconduct
Failing to Appear in Court
Body Worn Camera Violations

Limiting public complaints to two undefined categories puts far too onerous a burden on law enforcement to understand, categorize, and ultimately disclose the vast majority of complaints that come in. The bill also defies the public's loud and clear call for transparency and accountability for law enforcement. Practically speaking, this bill would create confusion and result in a return to a complete lack of transparency. Finally, this bill is not timely, as we have not even seen complete compliance with Anton's Law, thus there is no need to repeal it. As a result, we strongly urge an unfavorable report on SB 747.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Deborah Levi Deborah.Levi@Maryland.Gov

SB 747 PJC testimony UNFAV.pdf

Uploaded by: Debra Gardner

Position: UNF



Debra Gardner, Legal Director
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 228
gardnerd@publicjustice.org

SB 747 Public Information Act – Personnel Records – Police Officers

Hearing before the Judicial Proceedings Committee, March 1, 2023

Position: UNFAVORABLE

The Public Justice Center (PJC) is a nonprofit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The Public Justice Center envisions a just society where Black, Latine, Indigenous, Asian, and other historically exploited people are free from systems of oppression, exploitation, and all expressions of discrimination. Central to this mission is transparency and accountability in policing in Maryland, which is critical to creating trust between police and members of the communities in which they work.

SB 747 would roll back most of Anton’s Law, passed in 2021, before it has even been implemented and tested. There is no justification for such a reversal of the course set by the General Assembly in its package of police reform legislation in the wake of the national Uprising of 2020.

The bill would limit the reach of the Public Information Act in police disciplinary records to complaints of race discrimination and excessive force. While these are important complaints, there are many others that strike at the heart of a productive and trusting relationship between police and community: discrimination against LGBTQ+ individuals, individuals with disabilities, and others; improper interactions with observers of arrests; illegal searches and seizures; sexual misconduct; planting of evidence and other corruption; unlawful arrests; verbal abuse; harassment; to name just a few. It is impossible to isolate one or two types of misconduct from all the rest while claiming to provide transparency and accountability in policing.

It is well documented in Maryland and across the country that the police cannot police themselves through internal processes shielded from the light of day. Maryland must not turn away from our collective responsibility to reimagine the role of police and build trust so that communities currently policed and oppressed are instead protected and served as they should be.

The Public Justice Center urges an UNFAVORABLE report on SB 747. For further information, please contact Debra Gardner, at 410-625-9409 ext. 228 or gardnerd@publicjustice.org.

SB747 - Repeal of Anton's Law.pdf

Uploaded by: Erica Palmisano

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of District 12. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

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It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,

Erica Palmisano

5580 Vantage Point Rd, Apt 5, Columbia, MD 21044

Showing Up for Racial Justice Baltimore

3_1_23 SB747 Public Information Act - Personnel Re

Uploaded by: Ericka McDonald

Position: UNF



Testimony to the Senate Judicial Proceedings Committee

SB747 - Public Information Act - Personnel Records - Police Officers

Position- Oppose

By: Nancy Soreng

Date: 3/1/2023

The League of Women Voters is a nonpartisan organization that works to influence public policy through education and advocacy. The League advocates against systemic racism in the justice system and, at a minimum, for preventing excessive force and brutality by law enforcement. The League supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages.

The League supported the passage of Anton's Law, which amended the Maryland Public Information Act (MPIA) to enable public disclosure of records of police misconduct investigations. Named for 19-year-old Anton Black who was killed by police in Greensboro, Maryland. Anton's Law allows communities to know whether their police departments are appropriately handling complaints of police abuse and punishing misconduct.

Senate Bill 747 would deny the release of records related to administrative or criminal investigation of misconduct by a police officer, including internal affairs investigatory records. This bill would roll back the transparency and accountability in investigation of police misconduct created by Anton's Law, which is an essential part of the Maryland Police Accountability Act of 2021.

Without access to these vital records, the public is unable to know if an investigation of misconduct was thorough. For example, what evidence was examined, who was interviewed, was body camera footage reviewed? Secrecy about investigations undermines the trust that police are held accountable for their actions. Anton's Law is a crucial part of addressing the crisis of police misconduct in Maryland.

The League of Women Voters, Maryland, representing 1500+ concerned citizens throughout Maryland, strongly urges an unfavorable report.

SB747 - repeal of anton's law.pdf

Uploaded by: Holly Powell

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD **District 46. I am testifying in opposition to SB747.**



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Thank you for your time, service, and consideration.

Sincerely,

Holly Powell

2308 Cambridge Street

Baltimore, Maryland 21224

Showing Up for Racial Justice Baltimore

SB0747_JoShifrin_UNFAV.pdf

Uploaded by: Jo Shifrin

Position: UNF

SB0747_JoShifrin_UNFAV
Date of Hearing: March 1, 2023
Jo Shifrin
Bethesda, MD 20817

TESTIMONY ON SB0747- POSITION: UNFAVORABLE
Public Information Act – Personnel Records – Police Officers

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jo Shifrin

OPENING: My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in opposition to SB0747, Public Information Act - Personnel Records - Police Officers.

The concept of *tzelem elohim* – the idea that all people are created in the Divine image and therefore are equally precious and worthy of dignity and respect – is central to Judaism. It is so central that our sacred texts teach us that the destruction of one life is the same as destroying the whole world. Unfortunately, in Maryland, we know that lives are destroyed every day through the interactions between the police and people of color.

This bill seeks to weaken Anton’s Law. It removes all justification for Maryland residents to obtain information about the conduct of police officers and the discipline they were subject to unless the case involved excessive force or racial bias. Although Anton’s Law was not perfect, it does allow Maryland residents to obtain information about the conduct of police officers and the discipline they received in cases that did not involve excessive force or racial bias.

This is an extremely important distinction. For example, several years ago, a distraught 5 year old left his elementary school in Silver Spring. Two police officers were tasked with finding him and returning him to the school. Instead of doing so, they yelled at him and threatened him, abusing him emotionally. When they brought him into the school, his mother was called and the officers were verbally abusive to her as well. We know this because of a video that captured this interaction between the police, the little boy, his mother, and school officials. Since neither excessive force or racial bias came into play in this cruel event, had SB0747 been the law, no information would have been available to the public about this incident or these officers.

It is imperative that police are held accountable for their untoward and harmful behavior toward residents of Maryland, regardless of whether there is racial bias or excessive force.

Residents of Maryland must have access to this type of information so that police officers know that they are being held to account for their misconduct and the community knows that the

police officers who harm them rather than serve, are appropriately dealt with. I believe that It is only through this process that police officers will respect all members of the community and that the community will, in turn, trust the police.

The concept of *tzelem elohim* – the idea that all people are created in the Divine image and therefore are equally precious and worthy of dignity and respect – is central to Judaism. It is so central that our sacred texts teach us that the destruction of one life is the same as destroying the whole world. Unfortunately, in Maryland, we know that lives are destroyed every day through the interactions between the police and people of color. Please do not eviscerate Anton's Law.

I respectfully urge this committee to return an unfavorable report on SB0747.

Testimony in Opposition to SB 747 - Joanna Silver

Uploaded by: Joanna Silver

Position: UNF



TESTIMONY IN OPPOSITION TO SB 747
Senate Judicial Proceedings Committee, March 1, 2023

My name is Joanna Silver. I am a resident of Silver Spring in District 18. I am testifying on behalf of the Silver Spring Justice Coalition in opposition to SB 747.

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing. Essential to these goals is full transparency and accountability for police misconduct. SB 747 would seriously diminish and undermine Anton's Law, for which we fought so hard.

Anton's Law is far from perfect, but through it the Silver Spring Justice Coalition has obtained important information about the conduct of officers and the disciplinary consequences of their actions in cases that did not involve racial bias or excessive force. For example, we obtained the investigative file of the two officers who verbally and emotionally abused and mistreated a 5-year old child and his mother at an elementary school in Silver Spring. This outrageous case that drew international attention did not involve a single charge of racial bias or excessive force, but it was essential for our community to know exactly what punishment was meted out in response to the officers' harmful actions.

In another instance, we learned through an MPIA request that officers who killed a young Black man in Gaithersburg had previously engaged in verbally abusive conduct towards a car full of young Black men during an unlawfully prolonged traffic stop. We have used information like this to educate the community and advocate for important police reforms in discussions with lawmakers and community leaders.

This bill seeks to limit our ability to have the information we need to advocate for our community. We cannot address individual or systemic problems with policing in our County and state unless we know as much as possible about when our police engage in misconduct and what the consequences are. These were the motivating principles that led to the passage of Anton's Law after years of work by the victims of police harm and their families. We urge you not to undermine and retreat from these principles; we urge you to issue an unfavorable report on SB747.

◆ silverspringjustice.wordpress.com ◆ Facebook: [ssjusticecoalition](https://www.facebook.com/ssjusticecoalition) ◆ Twitter: [@SilverCoalition](https://twitter.com/SilverCoalition) ◆
◆ silverspringjustice@gmail.com ◆

SB747 - repeal of anton's law.pdf

Uploaded by: Katherine Wilkins

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD 12A. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

SB747 would gut this reform by changing the MPIA to once again define all police misconduct records as personnel records that cannot be disclosed even if doing so is in the public interest. The statute as it currently exists protects the privacy of police officers by barring the disclosure of technical infractions, since these are purely internal disciplinary matters that don't relate to the officer's interaction with the community. This bill would fly in the face of common sense by making even criminal investigations of police immune from MPIA disclosure- a privilege, it is worth noting, that is not given to any other citizen who is investigated for a crime- and would again shield police from all public scrutiny individually or in the aggregate for their conduct and the effectiveness of the department's internal affairs operations.

The bill attempts to evade this complaint by stating that allegations of excessive force or racial bias are not personnel records, but these two categories are far too narrow to encompass all the kinds of misconduct that the public rightly has an interest in. For example, if someone complained that a police officer stole his property, information about that investigation would be considered a personnel record unless the theft appeared to be specifically motivated by a racial bias. The two exceptions listed are simply a gesture to make it seem as if this bill takes account of the important public interest in scrutiny of police officers' use of their singular powers over the lives of their fellow citizens. It does not. This bill benefits no one except officers who are worried that their bad behavior, or accusations thereof, will at some point become public knowledge.

It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins

5605 Foxcroft Way

Columbia MD 21045

Showing Up for Racial Justice Baltimore

SB747 - repeal of anton's law.docx.pdf

Uploaded by: Lindsay Keipper

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of District 46, and **I am testifying in opposition to SB 747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way the department handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

SB747 would gut this reform by changing the MPIA to once again define all police misconduct records as personnel records that cannot be disclosed even if doing so is in the public interest. The statute as it currently exists already protects the privacy of police officers sufficiently by barring the disclosure of technical infractions, since these are purely internal disciplinary matters that don't relate to the officer's interaction with the community. This bill would fly in the face of common sense by making even criminal investigations of police immune from MPIA disclosure- a privilege, it is worth noting, that is not given to any other citizen who is investigated for a crime- and would again shield police from all public scrutiny individually or in the aggregate for their conduct and the effectiveness of the department's internal affairs operations.

The bill attempts to evade this complaint by stating that allegations of excessive force or racial bias are not personnel records, but these two categories are far too narrow to encompass all the kinds of misconduct that the public rightly has an interest in. For example, if someone complained that a police officer stole his property, information about that investigation would be considered a personnel record unless the theft appeared to be specifically motivated by a racial bias. The two exceptions listed are simply a gesture to make it seem as if this bill takes account of the important public interest in scrutiny of police officers' use of their singular powers over the lives of their fellow citizens. It does not. This bill benefits no one except officers who are worried that their bad behavior, or accusations thereof, will at some point become public knowledge.

It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Showing Up for Racial Justice Baltimore

SB747 - UNFAV - 2023 - ems.pdf

Uploaded by: Liz Simon-Higgs

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

I am testifying as a resident of District 46 (Baltimore City) and a member of Showing Up for Racial Justice - Baltimore. **I am testifying in opposition to SB747.**

In 2021, partly in response to the killing of George Floyd by the Minneapolis Police Department, the Maryland General Assembly passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

SB747 would gut this reform by changing the MPIA to once again define all police misconduct records as personnel records that cannot be disclosed even if doing so is in the public interest. The statute as it currently exists protects the privacy of police officers by barring the disclosure of technical infractions, since these are purely internal disciplinary matters that don't relate to the officer's interaction with the community. This bill would fly in the face of common sense by making even criminal investigations of police immune from MPIA disclosure- a privilege, it is worth noting, that is not given to any other citizen who is investigated for a crime- and would again shield police from all public scrutiny individually or in the aggregate for their conduct and the effectiveness of the department's internal affairs operations.

The bill attempts to evade this complaint by stating that allegations of excessive force or racial bias are not personnel records, but these two categories are far too narrow to encompass all the kinds of misconduct that the public rightly has an interest in. For example, if someone complained that a police officer stole his property, information about that investigation would be considered a personnel record unless the theft appeared to be specifically motivated by a racial bias. The two exceptions listed are simply a gesture to make it seem as if this bill takes account of the important public interest in scrutiny of police officers' use of their singular powers over the lives of their fellow citizens. It does not. This bill benefits no one except officers who are worried that their bad behavior, or accusations thereof, will at some point become public knowledge.

It is for these reasons that I am encouraging you to sustain the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,

Liz Simon-Higgs

308 E Randall Street, Baltimore, MD 21230

Showing Up for Racial Justice Baltimore



BCCPA Unfavorable SB 747 (1).pdf

Uploaded by: Lorena Diaz

Position: UNF



**Testimony for the Senate Judicial Proceedings Committee
March 1, 2023**

SB 747 Public Information Act - Personnel Records - Police Officers

UNFAVORABLE

The Baltimore County Coalition for Police Accountability strongly opposes SB 747, which would deny the release of records related to administrative or criminal investigation of misconduct by a police officer, including internal affairs investigatory records.

For years, when a citizen in our state would file a complaint of police misconduct, they were unable to access the adjudication process in relation to their complaint. The only information they could obtain was the disciplinary outcome; one was unable to assess whether the department conducted a thorough or lackluster investigation of their complaint. This was due to the complaint file being considered a “personnel record” under Maryland’s Public Information Act, and personnel records may never be disclosed.

This changed when Anton’s Law passed in 2021, amending the Maryland’s Public Information Act. Anton’s Law provides transparency to communities seeking answers that was missing for decades. It allows communities to know whether their police departments are properly investigating their complaints of police misconduct and abuse. We know that police transparency is necessary for community trust.

Our Coalition members, alongside more than 90 partners from across the state, supported Anton’s law for these very reasons. In Baltimore County, only 11% of civilian complaints against Baltimore County police officers were sustained; only 4% of civilian complaints of excessive force were upheld [\[Source\]](#). This is highly concerning.

In light of these concerns, SB 747 is a massive step in the wrong direction. Police transparency is necessary for community trust. We cannot go back to secrecy. We must uphold Anton’s Law.

For the foregoing reasons, we urge an unfavorable report on SB 747.

BCCPA Unfavorable SB 747.pdf

Uploaded by: Lorena Diaz

Position: UNF



**Testimony for the Senate Judicial Proceedings Committee
March 3, 2023**

SB 747 Public Information Act - Personnel Records - Police Officers

UNFAVORABLE

The Baltimore County Coalition for Police Accountability strongly opposes SB 747, which would deny the release of records related to administrative or criminal investigation of misconduct by a police officer, including internal affairs investigatory records.

For years, when a citizen in our state would file a complaint of police misconduct, they were unable to access the adjudication process in relation to their complaint. The only information they could obtain was the disciplinary outcome; one was unable to assess whether the department conducted a thorough or lackluster investigation of their complaint. This was due to the complaint file being considered a “personnel record” under Maryland’s Public Information Act, and personnel records may never be disclosed.

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In light of these concerns, SB 747 is a massive step in the wrong direction. Police transparency is necessary for community trust. We cannot go back to secrecy. We must uphold Anton’s Law.

For the foregoing reasons, we urge an unfavorable report on SB 747.

Testimony for the Senate Judicial Proceedings Comm

Uploaded by: Matthew Fogg

Position: UNF

Testimony for the Senate Judicial Proceedings Committee
March 1, 2023

SB 747 Public Information Act - Personnel Records- Investigations of
Law Enforcement Officers

Unfavorable

I am a retired Chief Deputy U.S. Marshal a member of the Caucus of African American Leaders (CAAL). I would like to testify in opposition to SB 747 but needed a little more information from you. I agree with the statement below and will add to this written testimony.

As a result of the Dashiell decision, no one outside of law enforcement, or any other government agency, has a right to see how the agency investigates, or fails to adequately investigate, allegations of misconduct. By flouting the public's interest in obtaining assurance that official misconduct is properly addressed, this level of official secrecy profoundly undermines the public's trust in law enforcement, and government in general, that must exist for government to function effectively. "Trust us" is simply not an adequate response.

This bill restores the necessary balance by rejecting the categorical denial of access to such records and information. It provides access to basic information about the most important functions of government, namely addressing abuses of power while preserving the legitimate privacy and other interests of law enforcement officers.

For the foregoing reasons, Blacks In Government Heritage Chapter supports SB 747.

M Badeker_SB747 - repeal of anton's law.pdf

Uploaded by: Melissa Badeker

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD District 8. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

SB747 would gut this reform by changing the MPIA to once again define all police misconduct records as personnel records that cannot be disclosed even if doing so is in the public interest. The statute as it currently exists protects the privacy of police officers by barring the disclosure of technical infractions, since these are purely internal disciplinary matters that don't relate to the officer's interaction with the community. This bill would fly in the face of common sense by making even criminal investigations of police immune from MPIA disclosure- a privilege, it is worth noting, that is not given to any other citizen who is investigated for a crime- and would again shield police from all public scrutiny individually or in the aggregate for their conduct and the effectiveness of the department's internal affairs operations.

The bill attempts to evade this complaint by stating that allegations of excessive force or racial bias are not personnel records, but these two categories are far too narrow to encompass all the kinds of misconduct that the public rightly has an interest in. For example, if someone complained that a police officer stole his property, information about that investigation would be considered a personnel record unless the theft appeared to be specifically motivated by a racial bias. The two exceptions listed are simply a gesture to make it seem as if this bill takes account of the important public interest in scrutiny of police officers' use of their singular powers over the lives of their fellow citizens. It does not. This bill benefits no one except officers who are worried that their bad behavior, or accusations thereof, will at some point become public knowledge.

It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,

Melissa Badeker
3020 Linwood Avenue, Parkville MD 21234
Showing Up for Racial Justice Baltimore

CASA_UNF_SB747.pdf

Uploaded by: Ninfa Amador

Position: UNF



UNFAVORABLE Testimony of SB 747

Public Information Act - Personnel Records - Police Officers
Senate Judicial Proceedings Committee

March 1, 2023

Dear Honorable Chair Smith and Members of the Committee,

CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families. Our mission is to create a more just society by building power and improving the quality of life in working-class and immigrant communities. We envision a future where our members stand in their own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all.

CASA, and its more than 100,000 members residing in the state of Maryland, strongly urge an UNFAVORABLE report on SB 747. In 2021, this committee and the General Assembly worked tirelessly to bring justice to families and communities that have been egregiously wronged in our policing system with the passage of the Maryland Police Accountability Act of 2021, also known as Anton's Law. This legislation was brought forth by the movement for police accountability and reform spurred by the 2018 death of Anton Black, a 19-year-old Black teen who died in police custody after being restrained by three Greensboro police officers in Caroline County on Maryland's Eastern Shore. He was one of 31 people who died that year through the actions of police, according to the Governor's Office of Crime Control and Prevention.¹ Under Anton's Law, internal investigations and disciplinary records would no longer be considered personnel records and would, therefore, no longer be subject to mandatory nondisclosure under the personnel records under the Maryland Public Information Act (MPIA). The passage of Anton's Law shed light on these previously opaque processes, facilitating greater community oversight of the law enforcement agencies that serve them.

The PIA is meant to provide a means by which citizens can hold government agencies accountable. Barring these records from public view is contrary to the public interest, the intent of the PIA, and the intent of the legislature in 2021. The records in question under this bill provide critical insight into how police agencies respond to allegations of misconduct. Barring these records from public view represents a purposeful attempt to roll back strides toward community oversight and an utter disregard for community sentiment.

¹ <http://goccp.maryland.gov/wp-content/uploads/Deaths-Involving-a-Law-Enforcement-Officer-2018.pdf>

Black and Latino communities have been and continue to be disproportionately affected by police violence. Data from the Governor's Office of Crime Control and Prevention showcase the disparity that Black Marylanders face in their interaction with police, especially in deaths involving law enforcement officers. Our communities have lacked the necessary tools they need to keep individuals in positions of authority accountable. Anton's Law provided our communities with these tools to ensure that justice and accountability are taking place.

CASA respectfully requests that the committee offer an unfavorable report on SB 747.

SB 747_UNF_MCJPA.pdf

Uploaded by: Olivia Spaccasi

Position: UNF



Testimony for the Senate Judicial Proceedings Committee

March 1, 2023

SB 747 - Public Information Act - Personnel Records - Police Officers

UNFAVORABLE

The Maryland Coalition for Justice and Police Accountability respectfully urges an unfavorable report on SB 747, which seeks to undo much of the progress towards police accountability and transparency that community members, advocates, and legislators made during the 2021 session. During the 2021 session, the General Assembly successfully passed “Anton’s Law.” Anton’s Law was a key part of the Speaker’s package of police reform measures in 2021, which was extensively debated and discussed over multiple hearings and work sessions. The package was the product of years of effort and was hailed by legislators as “historic.”¹ Under Anton’s Law, internal investigations and disciplinary records would no longer be considered personnel records and would, therefore, no longer be subject to mandatory nondisclosure under the MPIA. The passage of Anton’s Law shed light on these previously secret processes, facilitating greater community oversight of the law enforcement agencies that serve them.

This bill, however, would reclassify most of these records, making them personnel records once again. Aside from records relating to allegations of racial bias or excessive force, all other records would once again be shielded from public access. These extremely narrow exceptions fail to provide adequate transparency, blocking access to every other type of misconduct. Of the many types of serious incidents or investigations that would *not* be available to the public, and would again be required to be kept secret, are improper arrests, improper searches of people (including improper strip searches or cavity searches), improper stop and frisks, improper searches of property or vehicles (including where officers plant evidence), improper seizures of property or destroying property (like deleting videos of police from a cell phone), interfering with the First Amendment right to record police activity, refusing to obtain medical treatment, sexual harassment and misconduct, improper high-speed pursuits, improperly inquiring into immigration status,

¹ Gaskill, H., & Kurtz, J. (2021, April 8). General Assembly Passes Police Reform Package On to the Governor. Maryland Matters. Retrieved February 28, 2023, from <https://www.marylandmatters.org/2021/04/08/general-assembly-passes-police-reform-package-on-to-the-governor/>



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

leaking information to criminals, perjury, extortion, etc.² The list could go on and on.

It is clearly in the public's interest to have access to these types of records. We know that internal mechanisms to hold officers accountable for all types of misconduct are inadequate.³ According to the Graham report released in 2021, the Prince George's County Police Department routinely failed to adequately respond to internal and external complaints of racial harassment, discrimination, and misuse of force. Additionally, a 2016 Department of Justice (DOJ) investigation into the Baltimore Police Department (BPD) revealed that handling of complaints, oversight, and internal investigations were inadequate and ineffective and contributed to a culture of racism, misuse of force, unlawful enforcement, and an overall lack of oversight and accountability. Adequate discipline was persistently rare and applied inconsistently. BPD repeatedly failed to take action against those known to engage in repeated misconduct.

Additionally, as noted in the 2016 DOJ investigation, complaints of misconduct are often downgraded to lower-level offenses. In one instance, one man's complaint of racial discrimination and the use of a racial slur by an officer was inexplicably downgraded to "inappropriate comments, profanity, or gestures to a departmental member." The Department of Justice recognized numerous purposeful attempts to disguise and excuse racialized enforcement by improperly classifying complaints.⁴ This bill would not only block public access to the complaints that were improperly downgraded, it would incentive the misclassification of these complaints.

² According to a 2010 CATO institute report, sexual misconduct is the second most common form of police misconduct.

Cato Institute. (2010). THE CATO INSTITUTE'S NATIONAL POLICE MISCONDUCT REPORTING PROJEC. www.leg.state.nv.us. Retrieved from

<https://www.leg.state.nv.us/Session/77th2013/Exhibits/Assembly/JUD/AJUD338L.pdf>

³ Bromwich, M. R., Weinstein, J. M., Peck, R. B., Dubyak, K. M., Fletcher, W. G., Purce, J. M., & Shephard, T. D. (2022, January). Anatomy of the Gun Trace Task Force Scandal: It's Origins, Causes, and Consequences.

Steptoe & Johnson LLP. Retrieved February 28, 2023, from <https://www.steptoe.com/en/news-publications/steptoe-releases-investigative-report-on-the-gun-trace-task-force-scandal.html>; Washington Lawyer's Committee for Civil Rights and Urban Affairs. (2020, August 28). EXPERT REPORT OF MICHAEL E.

GRAHAM In Hispanic National Law Enforcement Association NCR et al. v. Prince George's County et al., District of Maryland No. 18-cv-3821. WashLaw. Retrieved February 28, 2023, from <https://www.washlaw.org/wp-content/uploads/2021/02/HNLEA-v-PGC-Aug-28-Graham-Report-Unsealed.pdf>; U.S. Department of Justice Civil Rights Division. (2016, August 10). INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT. U.S. Department of Justice. Retrieved from <https://www.justice.gov/crt/file/883296/download>

⁴ Ibid.



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

The PIA is meant to provide a means by which citizens can hold government agencies accountable. Barring these records from public view is contrary to public interest, the intent of the PIA, and the intent of the legislature in 2021. The records in question under this bill provide critical insight into how police agencies respond to allegations of misconduct. Barring these records from public view represents a purposeful attempt to roll back strides towards community oversight and an utter disregard for community sentiment.

For the foregoing reasons, the Maryland Coalition for Justice and Police Accountability urges an unfavorable report on SB 747.

Respectfully,

Maryland Coalition for Justice & Police Accountability (members listed below)

ACLU of Maryland

ACLU of Maryland, Montgomery County Chapter

Amnesty International

Arts Education in Maryland Schools (AEMS) Alliance

Baltimore Action Legal Team

Baltimore Bern Unit

Baltimore City Civilian Review Board

Baltimore for Border Justice

Be More Unified

Council on American-Islamic Relations (CAIR) - Maryland

CASA

Caucus of African-Americans Leaders

Citizens Policing Project

Coalition for Justice for Anton Black

Coalition of Concerned Mothers

Coalition of People Opposed Violence and Extremism

Common Cause Maryland

Community Actively Seeking Transparency (C.A.S.T.)

Community Justice

Democratic Socialists of America – Baltimore City

Democratic Socialists of America – Greater Baltimore

Democratic Socialists of America – Prince George's County

Disability Rights Maryland



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

Do the Most Good
Drug Policy Alliance
Equality Matters
For Kathy's Sake
FreeState Justice
Greenbelt People Power
Hispanic National Law Enforcement Association
Homeless Persons Representation Project
Innocence Project
InterFaith Action for Human Rights
Jews United For Justice
Justice Policy Institute
The JustUs Initiative
Kevin L. Cooper Foundation
Law Enforcement Action Partnership
Leaders of a Beautiful Struggle
League of Women Voters Maryland
LGBTQ Dignity Project
Life After Release
Making Changes LLC
Mama Sisterhood of Prince George's County
March for Our Lives Maryland
Maryland Alliance for Justice Reform
Maryland Center on Economic Policy
Maryland Consumer Rights Coalition
Maryland Defenders Union
Maryland Justice Project
Maryland Poor People's Campaign
Maryland Prisoners' Rights Coalition
Maryland Restorative Justice Initiative
Montgomery County Civil Rights Coalition
Montgomery County Democratic Socialists of America
Mothers on the Move
NAACP Legal Defense and Educational Fund
National Coalition for Drug Legalization
Nigerian American Lawyers Association - Washington DC Chapter
Organizing Black
Our Maryland
Our Prince George's



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

Our Revolution Maryland
Power Inside
Prevent Gun Violence Ministry, River
Road Unitarian Universalist Congregation
Policy Foundation of Maryland
Prince George's People's Coalition
Prisons to Professionals
Progressive Maryland
Public Justice Center
Racial Justice NOW!
Rebuild, Overcome, and Rise (ROAR) Center at University of Maryland-Baltimore
Reproductive Justice Inside
Sanctuary DMV
SEIU 1199
Showing up for Racial Justice, Annapolis and Anne Arundel County
Showing Up for Racial Justice, Baltimore
Showing Up for Racial Justice, Montgomery County
Sierra Club Maryland Chapter
Silver Spring Justice Coalition
Takoma Park Mobilization
The Women of Color For Equal Justice Law Center
West Wednesdays
Wicomico County NAACP Branch 7028
Young People for Progress

SB747 - repeal of anton's law - Rachael Mady.pdf

Uploaded by: Rachael Mady

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. I am a resident of MD District 12A, and have lived here for most of my life. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was awesome!! These reforms were intended to change the status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

SB747 would gut this reform by changing the MPIA to once again define all police misconduct records as personnel records that cannot be disclosed even if doing so is in the public interest. The statute as it currently exists protects the privacy of police officers by barring the disclosure of technical infractions, since these are purely internal disciplinary matters that don't relate to the officer's interaction with the community. This bill would fly in the face of common sense by making even criminal investigations of police immune from MPIA disclosure- a privilege, it is worth noting, that is not given to any other citizen who is investigated for a crime- and would again shield police from all public scrutiny individually or in the aggregate for their conduct and the effectiveness of the department's internal affairs operations.

The bill attempts to evade this complaint by stating that allegations of excessive force or racial bias are not personnel records, but these two categories are far too narrow to encompass all the kinds of misconduct that the public rightly has an interest in. For example, if someone complained that a police officer stole his property, information about that investigation would be considered a personnel record unless the theft appeared to be specifically motivated by a racial bias. The two exceptions listed are simply a gesture to make it seem as if this bill takes account of the important public interest in scrutiny of police officers' use of their singular powers over the lives of their fellow citizens. It does not. This bill benefits no one except officers who are worried that their bad behavior, or accusations thereof, will at some point become public knowledge.

It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,
Rachael Mady
4870 Dorsey Hall Drive, Unit 8, Ellicott City, MD, 21042
Showing Up for Racial Justice Baltimore

MDDC Oppose SB747.pdf

Uploaded by: Rebecca Snyder

Position: UNF



Maryland | Delaware | DC Press Association

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443-768-3281 | rsnyder@mddcpress.com

www.mddcpress.com

To: Senate Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: March 1, 2023

Re: SB747 - OPPOSE

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of newspaper publications, from large metro dailies such as the Washington Post and the Baltimore Sun, to hometown newspapers such as the Star Democrat and Maryland Independent, to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as Bethesda Beat, MarylandReporter.com and Baltimore Brew.

The Press Association urges the Committee to reject SB 747. This bill would create very narrow and specific categories of personnel exemptions for police misconduct. Under this legislation, only allegations of excessive use of force or racial bias would be open to the Public Information Act. As it stands now, personnel records are classified as investigatory records, which are subject to protections to protect privacy, ongoing investigations, and other legitimate interests. The current law is still being implemented, imperfectly, with police departments slowly coming into compliance. Is not the time to undo transparency in policing.

This issue is important to our members because increasingly, in our member reporters' experience, records are being classified as personnel records, making it more and more difficult to gather news and information important to the public. Investigations into police misconduct shed light on the practices of public employees and can establish patterns of behavior that would be lost with such narrow exemptions.

We urge an unfavorable report.



**We believe a strong news media is
central to a strong and open society.**

Read local news from around the region at www.mddcnews.com

Eckel SURJ UNF SB747 - repeal of anton's law.pdf

Uploaded by: Rianna Eckel

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

My name is Rianna Eckel, and I am a resident of the 43rd District. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. **I am testifying in opposition to SB747.**



In 2021, this body passed landmark police reforms including Anton's Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as "personnel records" not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

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It is for these reasons that I am encouraging you to defend the reforms made in 2021 and **vote against SB747.**

Thank you for your time, service, and consideration.

Sincerely,
Rianna Eckel
2300 Hunter St, Baltimore 21218
Showing Up for Racial Justice Baltimore

SB747-Repeal of Anton's Law-UNFAVORABLE.pdf

Uploaded by: Sarah Johnson

Position: UNF

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety and Jobs, and the Maryland Coalition for Justice and Police Accountability. My name is Sarah Johnson, and I am a resident of MD District 41. **I am testifying *in opposition* to SB747.**



In 2021, this body passed landmark police reforms including Anton’s Law (SB178), which amended the Maryland Public Information Act to remove the categorization of police misconduct records as “personnel records” not subject to disclosure. This was intended to change a status quo in which the public had no access to information about allegations of misconduct by police, making it impossible for anyone outside a police department to track the frequency and severity of complaints or conduct any scrutiny of police misconduct or the way they handled that misconduct. The Gun Trace Task Force scandal in Baltimore is one of the most egregious examples of the fruits of this kind of internal secrecy; the police department was unable and unwilling to reign in officers with even lengthy records of complaints, and because the public and the media had absolutely no way to access information only the department had, crooked cops were able to operate with impunity for years.

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It is for these reasons that I am encouraging you to defend the reforms made in 2021 and vote *against* SB747.

Thank you for your time, service, and consideration.

Sincerely,
Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

SB0747-UNFav Testimony POLICY FOUNDATION OF MARYLA

Uploaded by: Sarahia Benn

Position: UNF



Policy Foundation of Maryland

Committee: Judiciary

Testimony on: SB0747-Public Information Act - Personnel Records - Police Officers

SPONSOR: Senator Folden

Organization: Policy Foundation of Maryland, MCJPA

Person Submitting: Sarahia Benn (Executive Dir.)

Position: Favorable

Hearing Date: March 1, 2023 1PM

Mr. Chair and Members of the Committee,

Thank you for allowing testimony today in support of SB0747. Policy Foundation of Maryland is a grassroots organization focused on State and County level legislation and policies that impacts Black, Brown, marginalized, low income communities and veterans affairs. Criminal Justice/Police Accountability legislation is of massive importance to these communities particularly due to how impacted these communities have been historically and currently.

The Maryland Coalition for Justice and Police Accountability respectfully urges an unfavorable report on SB0747, which seeks to undo much of the progress towards police accountability and transparency that community members, advocates, and legislators made during the 2021 session. During the 2021 session, the General Assembly successfully passed “Anton’s Law.” Under Anton’s Law, internal investigations and disciplinary records would no longer be considered personnel records and would, therefore, no longer be subject to mandatory nondisclosure under the MPIA. The passage of Anton’s Law shed light on these previously opaque processes, facilitating greater community oversight of the law enforcement agencies that serve them.

This bill, however, would reclassify most of these records, making them personnel records once again. Aside from records relating to allegations of racial bias or excessive force, all other records would once again be shielded from public access. These extremely narrow exceptions fail to provide adequate transparency, blocking access to every other type of misconduct. Of the many types of incidents that would not be available to the public are improper searches, improper stop and frisks, neglect of duty, abusive language, harassment, negligent conduct, failure to activate a body-worn camera, and extortion.



Not only would this bill bar access to low level instances of misconduct or instances that were improperly classified, it would also bar access to records describing potentially egregious and common abuses. Among the abuses that would be shield from public access are destruction of property, unlawful arrests, planting evidence, and sexual misconduct. According to a 2010 CATO institute report, sexual misconduct is the second most common form of police misconduct.¹ This bill would not permit the disclosure of such investigatory records.

¹ <https://www.leg.state.nv.us/Session/77th2013/Exhibits/Assembly/JUD/AJUD338L.pdf>

It is clearly in the public's interest to have access to these types of records. We know that internal mechanisms to hold officers accountable for all types of misconduct are inadequate.² According to the Graham report released in 2021, the Prince George's County Police Department routinely failed to adequately respond to internal and external complaints of racial harassment, discrimination, and misuse of force. Additionally, a 2016 Department of Justice (DOJ) investigation into the Baltimore Police Department (BPD) revealed that handling of complaints, oversight, and internal investigations were inadequate and ineffective and contributed to a culture of racism, misuse of force, unlawful enforcement, and an overall lack of oversight and accountability. Adequate discipline was persistently rare and applied inconsistently. BPD repeatedly failed to take action against those known to engage in repeated misconduct.

Additionally, as noted in the 2016 DOJ investigation, complaints of misconduct are often downgraded to lower-level offenses. In one instance, one man's complaint of racial discrimination and the use of a racial slur by an officer was inexplicably downgraded to "inappropriate comments, profanity, or gestures to a departmental member" and "neglect of duty." The Department of Justice recognized numerous purposeful attempts to disguise and excuse racialized enforcement by improperly classifying complaints.³ This bill would not only block public access to the complaints that were improperly downgraded, it would incentive the misclassification of these complaints.

Finally, in a State that is now 54% Black, Latin, and marginalized this bill is a major betrayal to the public's trust and demand for accountability. The PIA is meant to provide a means by which citizens can hold government agencies accountable. Barring these records from public view is contrary to public interest, the intent of the PIA, and the intent of the legislature in 2021. The records in question under this bill provide critical insight into how police agencies respond to allegations of misconduct. Barring these records from public view represents a purposeful attempt to roll back strides towards community oversight and an utter disregard for community



sentiment Statewide and a policy that's anti-equity, anti-transparency the current edict of this General Assembly.

For these reasons, I urge an **UNFAVORABLE REPORT** on **SB0747**.

Respectfully submitted,

Sarahia Benn
(Policy Foundation of Maryland, MCJPA)

(Dedicated to Black History month)

“I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells,” Dr. King told the crowd at the March on Washington. “Some of you have come from areas where your quest for freedom left you battered by the storms of persecution...”

— [Dr. Martin Luther King Jr.](#)