

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

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Showing Up for Racial Justice Baltimore

