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THE SENATE OF MARYLAND
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**SB193: Public Information Act – Denial of Part of a Public Record –
Investigations by Inspectors General (IG)
Education, Health, and Environmental Affairs Committee
Hearing: Wednesday, February 5, 2020, 2:00 PM EHEA**

Inspectors General are created to review the effectiveness and efficiency of government programs, and are tasked with investigating waste, fraud, and abuse in government. Montgomery County and Baltimore City are currently the only jurisdictions that have an IG, although Baltimore County has a similar agency.

Currently, under the Maryland Public Information Act (MPIA), the County Office of Inspectors General's investigatory files are subject to disclosure, meaning they must divulge the name of a complainant as well as the contents of their investigatory files. Releasing information about an ongoing investigation, or disclosing the identity of complainants, risks compromising the effectiveness of the investigation and threatening the individuals' safety. The possibility of exposure could discourage people from providing critical information to the OIG and hinder current and future investigations.

The MPIA should be modified to give IGs the same discretionary powers to withhold investigatory records from the public that are given to other State investigatory bodies, such as the Attorney General's Office or State's Attorneys. SB193 would provide clarity for the two local IGs and any other jurisdictions that might establish similar offices in the future.

Whistleblowers are one of the best ways to catch wrongdoing, but they may not come forward or cooperate if they fear that their identity will be revealed. Further, absent this protection from disclosure, IG investigations would become ineffective. Exposing the particular methods used in the course of an investigation to gather information could provide potential wrongdoers with a blueprint to avoid detection. IGs should be able to withhold records of an IG investigations like other law enforcement agencies.

I urge a favorable report on SB193.