



**SENATE JUDICIAL PROCEEDINGS COMMITTEE  
SB 1029: PUBLIC INFORMATION ACT – PERSONNEL AND INVESTIGATORY RECORDS –  
COMPLAINTS AGAINST LAW ENFORCEMENT OFFICERS**

**MARCH 3, 2020**

**POSITION: SUPPORT WITH SPONSOR AMENDMENTS**

Showing Up for Racial Justice is a national network of groups working to undermine white supremacy and working toward racial justice. The Montgomery County chapter of Showing Up for Racial Justice represents the voices of over 1,500 people working locally for justice and equity.

We **Support SB 1029 with Sponsor Amendments** to include both sustained and *unsustained* complaints. Public access to complaints against law enforcement officers is essential to building trust with communities and enabling accountability in policing.

In Silver Spring, two unarmed Black men have been killed by law enforcement in the past 9 years: Emmanuel Okutuga in 2011 and Robert White in 2018. In both instances, the Montgomery County Police Department cleared itself of any wrongdoing and declared the shootings to be lawful and justified. The public has never seen the investigations nor do we know if witnesses were interviewed, camera footage was reviewed, forensic evidence was collected and reviewed, et cetera. The grieving mother, sisters, brothers, nieces, and nephews deserve answers about what happened when their loved ones were killed. When we have processed grief with family members of these men, both families expressed fear that the police officers who killed their beloved ones would kill again. They have no assurance that thorough and unbiased investigations were carried out. They deserve better, and so do all of us who live in communities where both of these police officers still actively patrol.

With the sponsors' amendments, SB 1029 would allow (not mandate) disclosure of disciplinary records—regardless of the outcome of the complaint—related to:

1. Use or attempted use of force;
2. Sexual assault;
3. Dishonesty, perjury, false statements, false reports, destruction, creation, falsification or concealing evidence, directly related to the reporting, charging, investigation, or prosecution of unlawful conduct;
4. Discrimination or bias;
5. Misconduct alleged by a member of the public, or involving an interaction with a member of the public, that is directly related to the reporting, charging, investigation, or prosecution of unlawful conduct; and
6. Criminal activity by a law enforcement officer.

SB 1029 would also require police departments to report statistics regarding the number of complaints they receive and how they are handled.

It is essential to allow public access to sustained and unsustained complaints given that statistically police departments almost never sustain complaints against officers. The view of community organizations working for police transparency and accountability is that we need transparency over both sustained and unsustained complaints, because communities deserve to know which misconduct is not being adequately investigated and is therefore not sustained.

The data most readily available to inform this issue comes from the U.S. Department of Justice Investigation of the Baltimore City Police Department. Relevant statistics showing that Baltimore Police Department failed to adequately sustain complaints are below, and show that only approximately 2% of complaints were sustained by the department. The full DOJ report is [here](#); see the section on page 146 "*D. BPD Fails to Sustain Complaints and Apply Discipline Consistently.*"

- Of the 1,382 allegations of excessive force that BPD tracked from 2010 through 2015, only 31 allegations, or 2.2 percent were sustained. These allegations arose out of fourteen separate incidents.
- BPD completed investigations into 1,359 allegations of discourtesy from 2010 through 2015, and sustained just 2.6 percent of those allegations, arising out of just fifteen incidents.

This bill would provide essential transparency over complaints against law enforcement officers. When any person files a complaint against an officer, they should be able to access that record to ensure their complaint was taken seriously and a satisfactory investigation was conducted. Additionally, the public should be able to access complaint records to ensure our police departments are adequately investigating and disciplining officers who engage in misconduct or criminal behavior on the job.

Thank you for your careful consideration of those who would be most harmed if complaints against police officers for abuse, misconduct, or discrimination are inaccessible.

**For these reasons, Showing Up for Racial Justice – Montgomery County supports SB 1029 with sponsor amendments.**

For more information, contact:

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