



**Maryland | Delaware | DC Press Association**

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To: Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: March 4, 2020

Re: **SB 1029 – Favorable with Sponsor Amendments**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media organizations, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Annapolis Capital and the Maryland Gazette to publications such as The Daily Record, the Baltimore Times, and online-only publications such as MarylandReporter.com and Baltimore Brew.

The Press Association is in favor of SB 1029 with the inclusion of sponsor amendments, detailed below. There is a compelling public interest in the investigation and discipline of police accused of misconduct. Marylanders have the right to know how they are being policed. Transparency builds the public trust and citizens should be able to know the results and process sparked by complaints of police misconduct.

Currently, the investigatory process of complaints of police misconduct is opaque. Persons of interest cannot find out how the department investigates the complaint, and the only accessible information is the outcome and the discipline. This is because Maryland's Public Information Act (PIA) prohibits disclosure of disciplinary files.

With the sponsor's 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;

**FACTS**

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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.

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 employee misconduct shed light on the practices of public employees, particularly police, and can establish patterns of behavior. There have been several notable investigations where the use of personnel records were critical, either by inclusion or absence. In Baltimore City, for instance, the Baltimore Sun reported in December 2018 a pattern of wrongful expungement of internal affairs records for police officers accused of misconduct (December 2018, <https://www.baltimoresun.com/news/maryland/crime/bs-md-ci-internal-affairs-files-expunged-20181015-story.html>). This bill would make those records available under the PIA and make it more difficult to sweep internal investigations and complaints aside.

Opening up police misconduct records can also shed light on department-wide practices. In a 2015 Washington Post investigation, reporters looked at the misuse of Tasers by law enforcement officers, a topic of great public importance (November 2015, <http://www.washingtonpost.com/sf/investigative/2015/11/26/improper-techniques-increased-risks/>). Records of investigations into alleged employee job misconduct were used extensively in that reporting.

The Press Association urges the committee to issue a favorable report with sponsor amendments included.