

TimothyErnst_FAV_SB1029

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Position: FAV

March 2, 2020

Written testimony submitted to Maryland House Judiciary Committee and Maryland Senate Judicial Proceedings Committee re: Maryland Public Information Act: Complaints Against Law Enforcement Officers; HB1221 and SB1029 cross-referenced.

Written & submitted by Tim Ernst, resident of Silver Spring, Maryland.

I am strongly in favor of strengthening Maryland Public Information Act (MPIA). I believe that **ALL police disciplinary records and complaints made against police officers should be made open and accessible to the public.** Currently, police disciplinary records and complaints against police officers are secret. These records are not made public because Maryland law protects police officers' alleged bad behavior from transparency, public scrutiny and accountability to Maryland residents.

This lack of transparency results in a lack of public trust in our police departments, our state & local legislators and our state & local executive branch of government.

Transparency = Accountability = Trust

Police officers are sworn to protect and serve the residents of communities they serve. I'm sure that most police officers behave appropriately most of the time. So do most doctors, lawyers and other professionals. If someone files a complaint against a doctor, lawyer or other professional, they could be disciplined, fined or have their licenses revoked. However, most complaints made against police officers in Maryland are never made public. It's up to police departments themselves to decide if a complaint is worth investigating. That's not a fair or independent oversight process.

Transparency – **shedding sunlight on bad behavior** – results in accountability. Transparency weeds out bad actors and restores public confidence in police departments. Sunlight (transparency) also has the critically important effect of deterring bad behavior in the first place. If I understand that my bad behavior will be made public and I will suffer consequences, I am less likely to engage in that type of behavior.

Why is there no transparency or accountability for police officers' behavior?

Anton Black, age 19, died in police custody in Greensboro, MD on September 15, 2018 after being handcuffed face-down and arrested by Greensboro police officer Thomas Webster IV. Officer Webster had a history of "use of force" incidents against residents in Delaware.

On August 24, 2013, "while working as a Dover, Delaware police officer," according to Delawareonline.com, "Webster was arrested for kicking an unarmed man, Lateef Dickerson, in the head, breaking his jaw. Dickerson, a 33-year old black man, was getting into a face-down

position at gunpoint, on the orders of Webster, who is white, while another officer looked on. The incident was recorded on a Dover Police dashboard camera.”

“Dover announced an agreement with Webster in 2016, who was acquitted of assault charges a few years prior, paying him \$230,000 over six years to quit. As part of the agreement, Webster was banned from ever seeking employment in the city again.”

Greensboro Town Manager Jeanette DeLude said in February 2018, when Webster was hired, that he was the “best qualified applicant.” “Because he (Webster) was found innocent of everything, there is no history,” she said.

Officer Webster’s record was called into question again in February 2019 when the State of Maryland learned of **29 use of force reports** that it was unaware of when Greensboro, MD hired Webster.

Why did the State of Maryland and the city of Greensboro, MD not know that Thomas Webster IV had a long history of use of force reports against him?

Why did the City of Dover have to pay \$230,000 to make Officer Webster go away?

Where is justice for Anton Black’s family and the community?

DO MEMBERS OF HOUSE JUDICIARY COMMITTEE AND SENATE JUDICIAL PROCEEDINGS AGREE THAT BY MAKING ALL COMPLAINTS AGAINST POLICE OFFICER ACCESSIBLE TO THE PUBLIC (SUNLIGHT) THAT WE CAN PREVENT FUTURE DEATHS AND INJURY TO MARYLAND RESIDENTS AT THE HANDS OF POLICE OFFICERS WHO BEHAVE BADLY OR BREAK THE LAW?

Transparency = Accountability = Trust

“Officers accused of misconduct get new jobs; Left Mount Rainier with Clean Files; Two were later hired by Seat Pleasant, MD police department” -- Washington Post, December 1, 2019

“A police department records clerk said two officers routinely showed her explicit pictures and asked graphic questions, including whether she would have sex for money. A third officer pressured her to perform sex acts, the woman reported, and made her fear for her job if she refused. Officials in Mount Rainier hired a lawyer to investigate. The lawyer found the clerk’s account credible, but all three officers left the department with clean records. Soon, two were working in Seat Pleasant, a nearby town of 4,800. The police chief there said he was unaware of the allegations when he hired the officers.”

“Experts say the woman’s story offers a window into the challenges of proving officer misconduct, especially within small police departments, and the ease with which accused officers can move from one department to another.”

"If I don't pay a parking ticket, there are consequences," said Maria. "But now he is carrying a gun... How could you possibly leave him where he could do it again?"

"Unlike other employment situations where the most minimal scar on someone's record will forever prevent them from getting a job, the police seem to have this way of protecting their own, unless the conduct is really egregious," said Terry Gilbert, a Cleveland-based civil rights and defense lawyer. In Maryland, police accused of misconduct can be formally disciplined only if an internal affairs investigation is conducted by another sworn officer.

"Seat Pleasant Police Chief Devan Martin said no one mentioned the allegations against either officer during reference checks. Nor did their personnel files indicate any issues."

"Firing police officers in some states, especially those with strong unions, is so time-consuming and expensive that departments are glad to let them resign, said Howard Friedman, an attorney in Boston who represents alleged victims of police misconduct."

"After the 2015 death of Freddie Gray in Baltimore police custody, then-Mayor Stephanie Rawlings-Blake pushed to overhaul Maryland Law Enforcement Officers' Bill of Rights. She wanted to create a felony "misconduct in office" charge and allow officers to be disciplined without the right to appeal. The bill, strongly opposed by the Maryland Fraternal Order of Police and groups representing police chiefs and sheriffs, did not advance."

Transparency = Accountability = Public Trust

There will be no public trust in police officers until Maryland stops treating police officers as a protected class of citizens under the law.

Law enforcement officers are public employees who carry guns and wield enormous power in our community. Maryland legislators should hold police officers to the same standard – not a lower standard – as all residents under Maryland law. Currently, police officers who allegedly commit a crime are not investigated and prosecuted the same way as any resident of Maryland who allegedly commits a crime.

I would strongly support SB1029 and HB1121 if AMENDED to include ALL police disciplinary records and complaints made against police officers in Maryland.

I would also strongly support amending the Maryland Law Enforcement Officers' Bill of Rights to make police officers subject to the same laws and due process as all residents of Maryland.

Sincerely,
Tim Ernst
Silver Spring, Maryland

badeker_FWA_SB1029

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Position: FAV

TO: Hon. Senator William C. Smith, Jr. and the Judicial Proceedings Committee
FROM: Melissa Badeker, Maryland resident (melissabadeker@gmail.com; 443-977-7596)
DATE: March 3, 2020

Dear Honorable William C. Smith, Jr. and Members of the Committee,

As a Maryland resident and member of SURJ (Showing Up for Racial Justice) Baltimore, I support SB1029 with the sponsor amendments. Under current law, individuals who file complaints of police misconduct are unable to learn how the department handles the complaint. This bill, with the sponsor amendments, would right the wrong of the current law by letting the public know whether the police department is adequately investigating their complaints of police misconduct. All who have had their rights violated by police officers, regardless of the type of complaint, have the right to have their complaint handled with due diligence.

I have a personal connection to this issue through a friend who experienced physical and emotional abuse at the hands of a police officer. A police officer pulled over her vehicle with her teenaged daughter in the passenger seat, and when she asked why she was being pulled over, the police officer violently pulled her out of the vehicle onto the ground and handcuffed her. The officer continuously refused to identify why my friend was being arrested and her daughter detained. They were eventually released without being charged. My friend filed a complaint against the officer, and almost a year passed before she was informed that the officer's actions were found to be justified. Both my friend and her daughter were extremely traumatized continue to live in fear that they will encounter the police officer again.

This is why I encourage the committee to amend HB1221 to allow (not mandate) disclosure of:

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

Communities especially need to know about complaints that are unsustained, when police departments conduct slow, weak, or biased investigations (or no investigation at all) and thereby find abusive officers innocent of wrongdoing. For these reasons, I urge a favorable report on SB 1029, with the sponsor amendments.

Sincerely,
Melissa Badeker

Bamiro_FWA_SB1029

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Position: FAV

COMMUNITY JUSTICE COALITION

Prince George's County, MD

SB 1029 Public Information Act - Personnel and Investigatory Records - Complaints Against Law Enforcement Officers

March 3, 2020

Position: Support with Amendments

Community Justice Coalition supports SB 1029, a bill that would allow formal complaints of job-related misconduct of law enforcement officers to be public information, with the adoption of amendments to add provisions that protect the community and provide greater transparency.

Community Justice Coalition is a group of organizations and concerned community members who are dedicated to ensuring police accountability in Prince George's County. Our organization centers and uplifts people of color and those impacted by the criminal legal system.

For decades, the Prince George's County Police Department has continuously broken the trust of the community that has left lasting trauma in the lives of community members. A 2019 Journal of Adolescent Health study found that young people who experienced police interaction including harsh language, threats and use of force face a higher likelihood of emotional distress and posttraumatic stress symptoms than their peers.¹ Further, a 2018 Lancet published study found that police brutality has negative mental health impacts for people of color and can result in more poor mental health days.² Beyond the data, many of our coalition members and leaders have faced trauma at the hands of PGCPD. Our communities deserve full transparency about police misconduct to restore the harm done by law enforcement officers.

Community Justice Coalition would like to see more instances of police misconduct classified as public information and an independent process for complaints.

We would like for the legislature to **adopt the sponsor's amendments** which would allow the disclosure of:

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

Additionally, we would like for the custodial charge who determines if complaint-record information is disclosable to the complainant or others shall be independent of law enforcement agencies and instead be made up of citizens similar to a jury.

Sincerely,

Community Justice Coalition

Point of Contact: Seanniece Bamiro, BamiroSA@gmail.com

¹ <https://www.sciencedaily.com/releases/2019/10/191009075125.htm>

² [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)33060-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)33060-5/fulltext)

Hamlett_FWA_SB1029

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Position: FAV

**Testimony for the House Judiciary Committee
March 6, 2019**

SB 1029

FAVORABLE

Erica Hamlett, Affected Parent

In November 2017 my son was approached by a stranger near our home (in Howard county). It was around 3:45 in the afternoon. The man was wearing a black hoodie and blue jeans. My son's van pick-up to his activity was late so he and a friend stopped to wait. The stranger asked my son and his friend "What they were doing in the area because they didn't look like they lived around there", they responded that they were just about to finish walking home from school and had stop to wait to be picked up. The person kept asking them to justify their presence in their own neighborhood. Finally my son asked to be left alone after the stranger said someone was going to call the police on them, my son's response was " Go ahead and call the police, because he was harassing them". Other people were outside getting their children off school buses coming in and out of their homes no one thought the teens, wearing bookbags, only a few blocks from school looked out of place. After a few more questions the unidentified man pulled a gun on him! Turns out he was an off duty Baltimore City Police officer who lived across the street and assumed the kids didn't live in the area.

After the incident, I filed a peace order (which was granted) against the officer as my son had to walk past his house every day to get to and from school. I shared my son's story and 'live' video of the incident for public awareness on my social media and was sent an article from the Baltimore Sun about this same officer breaking a suspect's jaw. The city paid out a \$55k settlement. This wouldn't have been public information or could be found on any BPD's record, if it wasn't for the news story. I also found out that the officer has broader litigation against him related to fraud and theft.

As for the peace order, it presented its own set of challenges that would be addressed by this legislation. When you file a peace order, you are asked for private information including our school and home address. And yet, under the police officer's side of the peace order, there was no information for him as they used the police department's address, while our information was made public to anyone.

Before and during our internal affairs interview I asked and they did not share if the officer had been suspended or where he was working. This officer admittedly pulled his service weapon on a 16 year old child. He had an open peace order against him for doing so, made false statements to Howard county police and in court, but was still permitted to continue to work and carry is service weapon.

Internal Affairs: Unaware of how the process works I asked questions but, internal affairs seemed to use intimidation tactics to avoid providing my family with any information. This seemed to occur after I

attended the public consent decree meetings. I would share my son's story to point out that the process for investigations has been streamlined, but little to no updates or guidelines had ever been provided to us. We felt very unsafe throughout the entire process and still do to this very day. After nearly every testimony I would give at the consent decree public meetings I would receive calls from Internal Affairs, not give any information or updates but to be badgered for updated information, that we had already provided to them repeatedly. My son's story never changed, unlike the officer's. I also shared with them how stressful their approach had been. Asking that I only be contacted through written correspondence.

Once the Internal Affairs' investigation was completed, I received a call stating the officer would be charged departmentally and a letter would be sent via certified mail. After I gave the sergeant my corrected address they still mailed it to the wrong address (which I heard was another tactic that's used), a letter was forwarded from an old address and read,, "That there was enough evidence to sustain the allegations" thanking me for my time and voicing my concerns. But, the letter had no indication of what, if any, punishment or disciplinary action would be taken then or in the future. My family and I don't know if the officer was still working, on the street, has a gun, or is on desk duty nothing. We live in constant fear that we could encounter him while he's on duty. We also moved from Howard County to Baltimore County, because we lived near him and it was too much for my family. We travel to Baltimore city often and whenever we do the uneasiness lingers because my son and family have no idea if this officer is still on duty. Using Case Search we found out that he was still on active duty at least until September, 2018 at which point I could not find any further information on his activities.

My son's case was just heard on the 24th of January by the Baltimore Civilian Review Board. Thanks to the Civilian Review Board who assisted me with instruction on how to look for the case on the transparency boards website I found his Administrative Hearing date and that it appears he must be appealing whatever disciplinary actions were taken against him. The way this current law stands If persons don't attend the administrative hearing victims we will have no other way of knowing what the results of the investigation are. We continue to live with the deep concern that this abusive officer is still in uniform walking the beat, with the potential to harass my son, family and others again. Victims of unlawful police practices have no closure. While officers that commit criminal acts are protected. Let's not forget non-disclosures come along with lawsuits all to ensure these incidents go away quietly.

What happens next has my son and family terrified! Even if he's terminated will he still be permitted to carry a weapon? Will he be allowed to work in law enforcement somewhere else? What background information would be accessible to future employers? Who protects victims? We need more transparency!

Holness_FWA_SB1029

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Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
March 3, 2020**

TONI HOLNESS
PUBLIC POLICY DIRECTOR

**SB 1029 Public Information Act - Personnel and Investigatory
Records - Complaints Against Law Enforcement Officers**

FAVORABLE with SPONSOR AMENDMENTS

AMERICAN CIVIL
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OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

The ACLU of Maryland supports SB 1029, which would change the Maryland Public Information Act to ensure that members of the public who lodge complaints against law enforcement are not categorically barred from learning how the agency investigated their complaint. The legislation is necessary because the Court of Appeals concluded in *Md. Dep't of State Police v. Dashiell*, 443 Md. 435 (2015) that records of internal investigations into alleged police misconduct are "personnel records" which cannot be released under the Maryland Public Information Act (MPIA). Md. Code, Gen. Prov. § 4-311(a).

Under the 2016 reform to the Law Enforcement Officers' Bill of Rights, complainants are now entitled to learn the disposition of the complaint and the discipline imposed, if any. While that was a progressive step in the right direction, it is far from adequate, especially for complainants whose allegations are found un-sustained and have no way of knowing whether the department conducted a meaningful and diligent investigation into the alleged wrongdoing.

Amendment to expand the range of wrongdoing that communities can learn about

As introduced, SB 1029 allows disclosure over only the following disciplinary files:

1. All allegations, regardless of the outcome for:
 - a. Discharge of a firearm at a person by an officer; and
 - b. Use of force resulting in death or serious bodily injury;
2. Only sustained allegations of:
 - a. Sexual assault against a member of the public;
 - b. Dishonesty, perjury, false statements, false reports, destroyed, falsified or concealed evidence directly related to the reporting, investigation, or prosecution of a crime; and



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- c. Prohibited discrimination directly related to the reporting, investigation, or prosecution of a crime.

With the Sponsor's amendments, SB 1029 will give transparency over a broader range of misconduct. Specifically, as amended, SB 1029 will allow disclosure of:

1. All use of force investigations, regardless of whether it causes death or serious bodily injury;
2. All discrimination or bias misconduct, not only "prohibited discrimination" as the bill currently states;
3. Misconduct committed during criminal investigations, like those documented in the Baltimore City Gun Trace Task Force;
4. Criminal activity by officers; and
5. Investigations into misconduct regardless of the outcome

The sponsor's amendments will also require that police departments report annually regarding the number of complaints received and how they are resolved.

Statutory background

The MPIA begins with a legislative declaration,

"[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. To carry out the right [of access] . . . , unless an unwarranted invasion of personal privacy of a person in interest would result, this Act shall be construed in favor of permitting inspection of a public record." Md. Code, Gen. Prov. § 4-103.

The general presumption of disclosure is withdrawn for specific categories of records or information, some of which *must be* withheld or redacted, and some of which *may be*, but are not required to be, redacted. "Personnel records," which are not defined in the statute, are among the category of records that must not be disclosed.

As a result of the Court of Appeals decision, all records of police investigations into alleged misconduct or citizen complaints are prohibited from disclosure, drawing a veil of secrecy around the one of the most important issues our society, and especially communities of color, face today. As the MPIA itself recognizes, transparency in government is essential to trust in government. And that wisdom is particularly true in the context of law enforcement, as the



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police wield unique power in their authority to initiate criminal investigations, detain, search, arrest, and use force.

Case Background (*Md. Dep't of State Police v. Dashiell*)

In 2009, Maryland State Police Sergeant John Maiello telephoned Ms. Taleta Dashiell, a potential witness in a case he was investigating. When she didn't answer her phone, Sgt. Maiello left a message identifying himself and asking her to call back. He then continued speaking, thinking he had hung up, in an apparent conversation with another State Trooper, disparaging Ms. Dashiell as "some God dang n***ger. His statements were recorded on Ms. Dashiell's voice mail.

Understandably distraught at the message, Ms. Dashiell swore out an official complaint against Sgt. Maiello. It took no small amount of courage for her to do so, as a young African American who lives in a county with a long history of racial violence and oppression. Several months later, the MSP sent Ms. Dashiell a letter telling her that the department had sustained her complaint and taken "appropriate" action.

Ms. Dashiell, however, wanted to know more than mere platitudes from the MSP about how it had handled her case. She wanted to see if the complaint had been sustained only because the Trooper's words were captured on tape. She wanted to know if the investigation accounted for the fact that a trooper used slurs freely in conversation with other troopers. And she wanted to know what action had been taken. In short, she wanted to know whether the MSP had taken her complaint seriously. So, she requested the documents relating to her complaint under Maryland Public Information Act ("MPIA"). The MSP refused to provide *any* information, claiming that *all* of the records about their investigation and discipline of the officer were confidential, including her own statement to investigators. In June, 2015, the Maryland Court of Appeals upheld the refusal to provide records, concluding that records of police investigations into alleged officer misconduct were "personnel records" and therefore could not be disclosed under the Maryland Public Information Act.

The result of *Dashiell*

The Court of Appeals' decision in *Dashiell* case adopted the categorical position that the public may never see for itself how government agencies police one of their own, even in instances of substantiated, official, on-the-job misconduct—even misconduct that is not itself secret because it is *directly involves* members of the public.



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Take these examples, among many other possibilities:

- An internal local law enforcement agency investigation concludes that an officer fabricated evidence to obtain a criminal conviction;
- An internal state agency investigation determines that an agency official improperly steered agency contracts to a favored contractor;
- An internal county agency investigation concludes that an agency supervisor was engaging in a pattern and practice of sexually harassing subordinate female employees; or
- Or the case in *Dashiell* itself: an internal investigation finds that a public official directed racial epithets at a potential witness in a criminal investigation.

Because of *Dashiell*, in each and every one of these cases, the public never gets to see what the government employee's agency did to investigate the matter.

And the *Dashiell* opinion has already metastasized in other ways. In July, 2015, a Baltimore Circuit Court judge kicked a Baltimore Sun reporter out of the courtroom during a murder trial because the court was going to be hearing testimony about findings of misconduct against one of the officers who was going to testify. The judge relied explicitly on the *Dashiell* decision as a basis for concluding that the information could not be discussed in open court.¹

Department of Justice Investigation of the Baltimore City Police Department

In its investigation of the Baltimore City Police Department, the Department of Justice recognized,

“The [MPIA] further limits BPD’s transparency to the public [...]. We heard from numerous sources that *this provision has repeatedly blocked attempts to access information* about the resolution of complaints and other issues of public concern related to BPD’s policing activities”²

In one of several egregious examples, the DOJ uncovered a complainant, who alleged that two BPD officers fondled her when conducting a search and called her a “junkie, whore bitch.” The woman’s complaint went uninvestigated for so

¹ J. Fenton, “Judge says state secrecy on police records extends to courtroom,” Baltimore Sun, July 25, 2015. <http://www.baltimoresun.com/news/maryland/investigations/bs-md-ci-judge-ruling-police-misconduct-20150725-story.html>

² U.S. Department of Justice Civil Rights Division, Investigation of the Baltimore Police Department (Aug. 10, 2016).



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long that by the time the investigator contacted the first witness, the complainant had died. As a result, that complaint was found not sustained.³ Under our current law, the public would only learn that the complaint was unsustained; not that the department's own failure to investigate is the reason for the outcome.

Conclusion

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, the ACLU of Maryland supports SB 1029 with the aforementioned amendments.

³ U.S. Department of Justice Civil Rights Division, Investigation of the Baltimore Police Department (Aug. 10, 2016).

Lapham_FWA_SB1029

Uploaded by: Holness, Toni

Position: FAV

TESTIMONY IN FAVOR OF SB 1029
Steven Sellers Lapham, Gaithersburg, Maryland

March 3, 2020

Dear Maryland Legislators,

I am in favor of amending the Maryland Public Information Act (MPIA) so that ALL complaints made against any police officer are accessible to the public. This bill would be an important part of holding law enforcement officers accountable to the communities they serve. The bill would ensure that the public can access all complaints made against officers who abuse the trust of the community.

We are aware that police authorities, however, are trying to make sure that only records of "sustained" infractions are available to the public — and they rarely "sustain" any complaints made by community members about officers. (See **table**, page 2., showing Montgomery County data from 2018.) To be effective at all, the MPIA should allow the public to see both sustained and unsustained complaints in full—as is the law in more progressive states, and as Senate Bill 1029 calls for.

I am a member of the Silver Spring Justice Coalition, which was founded by civilians outraged at the killing of Robert White (an unarmed black man strolling through his own neighborhood) by a Montgomery County police officer, in 2018. We never learned about the history of the officer who killed Mr. White.

In December 2019, I sat in a courtroom as the jury watched a civilian's cell-phone video revealed a Montgomery County police officer driving his knee into the neck of a suspect who is face down on the sidewalk, prone, subdued, his hands cuffed behind his back. It looked to me that the officer could have paralyzed the man with that full-body-weight strike. The 12-member jury convicted the officer of second-degree assault, but found him not guilty of misconduct in office. The video is online.

Could this crime have been prevented if the public had access to records of prior civilian complaints against this officer? Research has shown that the total number of civilian complaints (both sustained and unsustained) against an officer are predictive of future misconduct. See the 2018 study by Professor Max Schanzenbach, who is interviewed in this PBS report: news.wttw.com/2018/09/12/study-civilian-complaints-can-be-used-predict-future-police-misconduct.

Could public knowledge of all complaints of misconduct have prevented the shooting by a Prince George's County officer who killed William Green, 43, of Southeast Washington in February 2020?

I can go online to find customer critiques of plumbers, dentists, and doctors. Why should police, who are public servants, who are authorized by the state to carry guns in their employment as officers of the peace, be able to avoid evaluation by the public they serve? I do not find any logic in that practice. I support this bill, which would help give the public access to all relevant information. We have a right to know.

Sincerely,

Steven Sellers Lapham
18737 Purple Martin Lane, Gaithersburg, MD 20879

Civilian Complaints Against Police are Rarely Sustained

Under current laws, we can learn about only a small sample of the violence that residents are actually experiencing. People who feel they've been abused by police rarely file a complaint. When they do, the police department itself decides whether a complaint is valid. As these numbers show, the police rarely decide that their own officers have behaved poorly. This is one reason why the public needs access to all civilian complaints, not merely the few that are "sustained." (*Notice that 14 complaints from 2018 are still being processed as of February 2020, so the final count of sustained allegations is still to be determined.)

Data from **2018**, Montgomery County, Maryland

Type of Civilian Complaint	Allegations Made	Open Allegations	Sustained Allegations
Use of Force by Police	32	7	2
Discrimination/Harassment	19	4	1
Untruthful Statement	8	2	1
Sexual Assault	2	1	0
TOTAL (as of February 2020)	61	14	4

SOURCE: In response to a request from a state legislator, MCPD Chief Marcus Jones provided these data about civilian complaints against Montgomery County police. The ACLU made this information more widely available in February of 2020. Chief Jones wrote to the legislator, "I am providing you with the statistics you requested regarding complaints against our officers. Some of the data includes complaints regarding all MCP employees to include police officers. There are a few explanations regarding the data to include open allegations are pending investigations or pending trial boards selected by the officers charged. These events are not adjudicated and thus remain open. Allegations are investigated and are classified in several ways; cases closed as unfounded, insufficient evidence, exonerated, policy failure, not sustained or administratively closed. Sustained cases are cases that have been finalized with plea agreements or findings of guilt in a trial board."

These tables were prepared by Steven Sellers Lapham with assistance from the Silver Spring Justice Coalition.
<https://www.facebook.com/ssjusticecoalition/>

Morris_FWA_SB1029

Uploaded by: Holness, Toni

Position: FAV



For Kathy's Sake Inc.

For Kathy's Sake, Inc. (#46-2082878)

Email: Forkathysake@gmail.com Phone: 301-408-8833

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Testimony

March 2, 2020

Ref to: HB 1251 Supporting with Amendments
SB 1029 Supporting with Sponsor Amendments

HB 1221 Opposing Unless Amended

Good afternoon:

My name is Reverend Marguerite Morris and I am the mother of Katherine Sarah Morris now deceased. As I sat last night and reviewed the number of bills that are coming before you honorable persons it occurred to me that my Kathy, could almost be a poster child for **anything** that could have gone wrong inside a police department and the efforts that they would go to keep it within their ranks, and away from public purview.

It is my hope that you will be able to see for yourself, in the accompanying Investigative Synopsis which includes pictures and documents directly from internal police files. May you be able to determine for yourself if the attached clear examples of suppression of evidence and the manipulation of truth held deep within that blue code of silence. Unless laws are changed, as they stand now in the example attached, and others, like them, they will never see the light of day.

So it has been over seven years since Kathy's death with a family still hoping and asking for an independent investigation into the handling of her death investigation. In 2020 there is still no clear mechanism within the state of Maryland that will help us effectively get at increased police accountability and transparency by way of an independent investigation by outside agencies.

In Kathy's case key evidence was lost, key evidence was destroyed, key evidence was no longer usable. During the early stages of Kathy's death while in full grief mode we went from agency to agency seeking somebody that would hear our allegations outside of that police department that was the problem. All said they had no authority over (in this case), the Anne Arundel County Police Department (AACPD). **Not the Governor's Office, not the States Attorney's office, nor the FBI.** The police department was left to police themselves and even I knew as a novice there was something wrong with that. So here we are seven years later still void of an independent agency empowered to hear, investigate, and make decisions I respectfully say to those that have the power to do so to please be reminded of the protections that are in place, that leave police agencies able to continue the behaviors and actions that are apparent in the accompanying *Investigative Synopsis*.

See for yourself the effort that was done by police department's officers to control outcomes. This was most likely because an outgoing allegedly corrupt leader left them with an order to control the outcomes of the investigation because of the internal mistakes that had already been made. Even with that for the family there is no legal recourse unless you make change.

Yes, there does exist the possibility that someone was investigated internally, or even fired internally, but I and thousands of other hurting persons don't have the right to know that. But what I do know is at least one of the officers with his hands all over the suppressing, manipulating evidence and falsifying reports was promoted to a Commander.

What I do know is that if this is the true behavior of some officers in the Katherine Sarah Morris case than you most likely have persons that are currently incarcerated for false or exaggerated reasons. Remember these outrageous behaviors did not start and end with the death of Katherine Sarah Morris. She was just one casualty of a broken system that I charge those that are reading this submission to do whatever you need to do to fix it.

In closing, and as stated before it is highly likely that there are persons that are currently incarcerated in Maryland for false or exaggerate reasons. For these same officers that have acted illegally with in the pages of this report are still employed. I personally believe that some have gone on to continue to manipulate, suppress and alter evidence in other cases to control outcomes and we lack mechanism to knowingly hold them accountable. This behavior did not start with Kathy nor did it end with her.

These bills can bring us one small step closer to the goal of strengthening MPIA rules and police accountability and transparency.

Our request for information that is released must contain unsustained as well as sustained to allow us to have a clearer picture.

In the attached I have had to come with truth because the need is great, so please be aware that there are a few of the actual death scene photos to emphasize the lack of an adequate investigation and the everyday reality in which some parents and family's live with in their pursuit of full accountability.

As an impacted voter and community leader we have a right to know outcomes. We even need the establishment of Civilian Review Boards across the State of Maryland to be that independent investigative arm or voice across the state of Maryland.

Thank you



The Mother of Katherine Sarah Morris,
Marguerite Morris and the Friends of "For Kathy's Sake

Attachments Factual Background
 Investigative Synopsis of questionable police reporting to control outcomes

“FACTUAL BACKGROUND”

For over seven years the Mother has alleged that in the midst of a documented 2012 corruption scandal involving Police Chief James Teare and then County Executive John Leopold that questions around the handling of the death investigation of Katherine Sarah Morris (Kathy) arose. Just weeks following Kathy's death a Congressional inquiry was issued by Congressman Steny Hoyer and sent to Chief Teare, who never formally responded to the inquiry.

In or around August of 2012 Chief Teare allegedly resigned in lieu of being charged criminally during that scandal and over the ensuing years in the death investigation of Kathy over fifty-five investigative inconsistencies were uncovered. October 3, 2016 with the release of over 9,250 pages of internal documents it became apparent that there had been deliberate covered-ups leading to the manipulation of evidence and facts.

Katherine Sarah Morris, (Kathy) died on May 6, 2012. The parents of Kathy began to question the handling of her death investigation during the week of May 10th 2012. It was on that day when the parents arrived at the funeral home that was preparing their daughters body for burial the first flag of something not right was raised. The parents were about to view Kathy's body, when the Funeral Director stopped them at the door to prepare them for the fact that Kathy had received major burns to her body and her ear was disfigured. The shocked parents had not been asked to ID their child's body or been given any information before they arrived at the funeral home. In addition, and subsequently the Fire Marshal had not been summoned to the scene. Kathy was buried May 12, 2012.

The Mother states that during the following week the grieving parents placed a call to Anne Arundel County Police Department (AACPD) and their call was taken by an officer who chillingly, rudely, and abruptly informed them that they did not have to meet with them. Following this the shocked, grieving, and dismayed parents again reached out to AACPD to request a meeting leaving messages and their calls went unreturned. They finally requested the assistance of Civil Rights Activist Carl Snowden and of the then Assistant States Attorney William Roessler who had to reach out three separate times, (including by email) to get the AACPD and/or Officer Clark to return their calls.

Kathy's death had been ruled a suicide in less than 48 hours with no conversation or questions ever posed to her family. She was a victim of a marital fraud for money and was worth a \$100,000 dead. The original investigating officer was Officer Keith Clark, who the Mother found out subsequently, that according to AAC Police Chief Kevin Davis, was in-experienced in processing a homicide scene. The family immediately requested a reinvestigation without Officer Clark because of the apparent conflicts of interest.

MPIA responsive internal communications released October 3, 2016 show that a reinvestigation was ordered and assigned to an Officer Carbonara and those released documents show that he deliberately suppressed and or manipulated **any and all** evidence that if reviewed by others, might have brought into question the possibly erroneous suicide determination for Kathy.

Included in those internal communications released October 3, 2016 was an internal memo dated Nov 22, 2013 authored by Officer Poole who writes "**As a side note**: Detective Carbonara, **who is an extremely thorough and capable investigator** did not originally acquire the above details due to the fact he was given specific marching orders regarding the initial investigation and instructed not to deviate from same." The email does not state who gave the order but it is clear that it had to come from a person of authority. (All emphasis and bolding are as written in the original email).

In October of 2016 following an MPIA request launched in 2015 the County responded with the release of over 9,200 pages of internal documents. In those documents were of the emails and memos mentioned in the accompanying report.

The mother states that one of the definitions of fraud is the intentional perversion of truth for desired outcomes, and or an act of deceiving or misrepresenting. The Police clearly acted in such a manner.

On October 5, 2018 Chief Altomare stated that Chief Teare ordered the reinvestigation. This is clearly a potentially criminal point pointing to conspiracy, and fraud,

In September of 2018 Chief Timothy Altomare received a letter of inquiry from Carl Snowden the leader of the Caucus of African American Leaders to clarify claims of an FBI investigation into the death of Kathy when a Freedom of Information response from the federal government that denied the existence of an investigation. These false rumors emanating out of the Anne Arundel County Police Department (AACPD) claimed that there had been an FBI investigation into the

death of Katherine Morris and its findings agreed with that of the AACPD. Chief Altomare is only asked to explain that one point but instead responded with a four page email where he repeatedly averred statements he knew to be false and harmful to the Mother to cause disbelief in the Mother's allegations. This was clearly an attempt to discredit and or to foster disbelief in Mother claims of a faulty and manipulated investigation.

These harmful and knowingly false statements were initiated by Chief Timothy Altomare, former Chief James Teare, Chief Kevin Davis, Sgt. John Poole, Det. Vince Carbonaro, and Det. Keith Clark. These libelous statements and actions and intended to cover-up departmental inadequacies and corruption, and sought to avoid full disclosure of truth in the mishandling of the death investigation of an African American woman named Katherine Sarah Morris.

Thus Police repeatedly and knowingly allowed false and/or misleading written information to be reported to the FBI, States Attorney's Office, Governor's Office on Crime Prevention, Homicide Review Panel, State and local NAACP, the Caucus of African American Leaders and the public in general.

Missing Video Footage

Kathy died May 6, 2012. She alleged drove, or her car is seen arriving at the Arundel Mills Mall parking lot around 6 pm on the evening on May 5, 2012. Her body was found around 5 a.m. in a running car in the satellite parking lot of Arundel Mills Mall which was owned by Anne Arundel Community College.

The portion of the parking lot where Kathy's car is allegedly parked with her in it for eleven hours was in a well-traveled part of the lot with at least four working surveillance cameras. The surveillance footage from all four cameras is missing after approx. 10 pm on May 5, 2012. From 2012 to 2013 the AACPD claimed the surveillance footage from the cameras would not play because of system compatibility issues.

Then on July 18, 2013 an Anne Arundel County police officer, Major Bergin handed the Mother a copy of the available footage with instructions for the Mother to seek help from the FBI in getting the footage to play. In the October 3, 2016 release of documents there is an internal communication reflecting that the Police knew the footage was partially deleted, yet they sent the grieving Mother off to the FBI to seek help with something that they knew she could not get help her with. i.e. The time stamp on the footage keeps running but the final frame or picture didn't change.

Then, somewhere mid-2013, to the Mothers anguish and frustration, the AACPD changed the story to the missing footage being due to several cameras at the death scene being motion sensitive implying and allowing the public to believe, no movement no recording. While the cameras were motion sensitive the Parent knew, to her humiliation and frustration that the police were playing with the truth over this very important surveillance footage of her daughter's death scene

The mother was traumatized because the lie was so apparent. The last known footage showed persons and cars in the parking lot – so additional footage could not be missing because of a lack of motion. The Mother was deeply humiliated for years anguishing over, if she could see it – why couldn't the trained Police assigned to investigate see that? She repeatedly sought help for what was another glaring inconsistency and to her even a lack of common sense. Yet no agency had the authority to assist

Both the Mother and Kathy's dad asked what happened to the footage in the camera less than sixty feet away from their daughter's car. But no one listened because the Police maintained their play on truth – no motion no video recording. A deliberate move to perpetrate disbelief in claims of the Police deliberately manipulating and suppressing key evidence.

Here again in the October 3, 2016 release of documents the Mother could see that the Police allowed fraudulent statements to be circulated in multiple reports, and she could see the inference to an order someone in authority gave to control the investigative outcomes.

Then on October 5, 2018, Police Chief Altomare stated the footage was missing because it was deleted and that Police Chief James Teare gave the order to reinvestigate but to do it with controlled outcomes. Why else would Police not just report the full facts or results about the results from subpoenaed phone records, DNA results, the decedents banking transactions, or fingerprints?

That October 5, 2018 disclosure caused much grief to the Mother who for years repeatedly cried out that the police claims were false and misleading. It threw her back into turmoil over if Kathy definitively committed suicide then why so much deception by the police.

The resulted harm to the Mother is that from 2012 to 2018 this false and libelous information was circulated in several different written memo's and reports, then allowed to be reviewed by multiple agencies to include the Carl Snowden, Conveyor of Caucus of African American Leaders (CAAL), Federal Bureau of Investigations (FBI), Office of Chief Medical Examiner, for the State of Maryland, (OCME), States Attorney Office (SAO), Department of Justice (DOJ), National Association for the Advancement of Colored People (NAACP), the Capital Gazette, other persons

and entities, which then based their own follow-up investigations – or lack of any follow-up investigation on these deliberate misrepresentations.

This mother has had to repeatedly contend with that if her child Kathy did commit suicide then why so many false and misleading statements from the police department. These actions have repeated caused and subjected me to re-traumatization.

*Investigative
Synopsis
Of Deliberate
Omissions made by
Police in the
Katherine Morris
Death
Investigation*

On October 3, 2018 Carl Snowden, Convener for the Caucus of African American Leaders sent the following email to the Anne Arundel County Chief of Police on behalf of Rev. Marguerite Morris, mother of the deceased Katherine Morris. He wrote:

From: Carl Snowden <carl_snowden@hotmail.com>
Sent: Wednesday, October 3, 2018 3:28 PM
To: Tim altomare; Tim Altomare
Cc: Vickie Gipson; Marguerite Morris; prezaaconaACP@aol.com; rick hutzell
Subject: Clarification

Dear Chief Altomare,

The *Capital* published an article on October 2, 2018, that quoted Anne Arundel County spokeswoman Sgt. Jacklin Davis as the source for the following statement, she, "pointed to subsequent FBI and police investigations after the Chief Medical Examiner's office ruled Katherine Morris' death a suicide".

As you are aware, Reverend Marguerite Morris the mother of the late Katherine Morris referenced in that statement has taken issue with an "FBI" investigation having been conducted into her daughter's death. She has vehemently denied that the FBI did an investigation.

However, I too remember being told by Deputy Chief Jerard Flemings that the FBI had reviewed this case and had reached certain conclusions that included suicide. However, here is where we need the Anne Arundel County Police Department's clarification on this matter.

In a letter dated August 29, 2018, in response to a Freedom of Information Act(FOIA) request from Reverend Morris, David M. Hardy, Section Chief, Record/Information Dissemination Section Information Management Division wrote:

"Based on the information you provided, we conducted a search of the Central Records System. We were **unable** to identify any main file records responsive to your request, and therefore your request is being administratively closed".

If the FBI is saying no records exists of them conducting an investigation in this matter, please clarify what Sgt. Davis means about a "subsequent **FBI** and police investigations"? The Caucus of African-American Leaders is meeting on Tuesday, October 9, 2018, 6:00 p.m., at the Wiley H. Bates Legacy Center, 1101 Smithville Street, Annapolis, Maryland. You or a representative is cordially invited to attend to explain this apparent conflicting information.

If neither you or a representative are available for Tuesday's meeting, we would appreciate a written response to this inquiry before Tuesday. Transparency coupled with accurate information to the public must be the hallmark of our police department.

We look forward to your response. Have a great weekend and I hope that you are a representative are able to join us on Tuesday.

A Luta Continua,

**Carl O. Snowden, Convener
Caucus of African-American Leaders**

On October 5, 2018, Tim Altomare, Chief of Anne Arundel County Police Department sent the following response to Carl Snowden, Convener for the Caucus of African American Leaders. He wrote:

October 5, 2018

Mr. Snowden,

Thank you for providing me an opportunity to provide some clarification on the history of the multiple investigative additions and reviews conducted on the Katherine Morris death investigation. In the interest of continued transparency, I would like to share with you the below timeline of events related to reviews conducted of the Katherine Morris investigation:

- **May 6, 2012:** Katherine Morris was discovered by Mall Security deceased within her vehicle.
- **Review of video surveillance:** Katherine's vehicle arrived on May 5, 2012 at 1854 hours and parked at 1858 hours. Katherine was found deceased at approximately 0530 hours the next morning. In full disclosure, while downloading the video evidence, Anne Arundel Community College Security personnel accidentally deleted a portion of the video. Before this occurred however, Chief Gary Lyle of the Anne Arundel Community College Police Department reviewed the video in its entirety and confirmed that NO ONE entered or exited Katherine's vehicle in the time it was parked there prior to her body being found. Also, a forensic review of Katherine's cellular phone inside the vehicle showed messages clearly indicating her suicidal intent.
- **May 2012:** The office of the Chief Medical Examiner officially ruled the cause of Katherine Morris death as Carbon Monoxide Intoxication with the manner being suicide.
- **June 2012:** Upon hearing concerns brought forward by Reverend Morris, Chief James Teare directed that the case be reopened. It was assigned to Anne Arundel County Homicide Detective Vincent Carbonaro. Detective Carbonaro learned from a University of Maryland College Park Police report that Katherine had attempted suicide in December 2011. The additional investigation findings were consistent with the prior finding of suicide.
- **August 2012,** Reverend Morris requested the US Army to conduct an investigation into Katherine Morris' husband (Isaac Goodwin) who was stationed overseas at the time of her death. They confirmed Mr. Goodwin was in Afghanistan at the time of Katherine's death.

- **March 2013:** Chief Larry Tolliver, upon learning of continued concerns held by Reverend Morris, requested the investigation be reviewed by the Anne Arundel County State's Attorney's Office. That office reviewed our case file and documents provided by Reverend Morris including military documents. The SAO concluded that while Mr. Goodwin's conduct in relation to Katherine was reprehensible, there were no criminal actions in Anne Arundel County.
- **November 2013:** After taking office and hearing of Reverend Morris' continued concerns, Chief Kevin Davis requested that a panel of veteran Prince George's County Homicide detectives review the Katherine Morris investigation. In **February 2014** they concluded that Katherine's death was a suicide.
- **November, 2013:** In the same time frame, again in response to Reverend Morris' concerns, we requested a retired Montgomery County Homicide detective then employed as Anne Arundel County Cold Case Analyst to review the investigation. They determined the findings were consistent and still remained a suicide.
- **February 2015:** County Executive Schuh, State's Attorney Wes Adams and I met with Reverend Morris and her family. We heard her concerns and AGAIN re-opened the investigation. At this time I ordered further forensic examination of items recovered inside of Katherine's car.
- **May 2015:** Reverend Morris turned over digital evidence to the Anne Arundel County Police Department. Reverend Morris believed this evidence showed Katherine's cellular phone moving in the hours before her body was found. I directed the data to be reviewed by a Digital Forensics Lab. An analysis of the data showed that the phone was maintaining a database of cellular towers surrounding it rather than it moving. The report from the lab was given to Reverend Morris.
- **Summer 2015:** Again because of Reverend Morris' concerns, Dr. Aronica-Pollack of the OCME conducted in depth research into carbon monoxide deaths. She researched 204 CO2 deaths. 20 of these cases were suicides with charcoal grills and 13 of these were in a car. Reverend Morris provided a list of 22 concerns, including the same digital evidence provided to AACOPD in May was also turned over to the OCME. Finally, the doctor re-examined the positioning of Katherine's body in the car and burns she suffered. In conducting her research and review, Dr. Aronica-Pollack reached the same conclusion as the contract Digital Forensics Lab. After her further review, Dr. Aronica Pollack still concluded the death of Katherine Morris was a suicide.

It is important to note that the OCME is the entity that determines that cause and manner of death in Maryland. Dr. Aronica-Pollack concluded, "None of the points brought to our attention lead us to believe foul play was involved in any way. In fact, the manner of suicide is supported by the information gathered."

- **May 2015:** The Anne Arundel County Police Crime Lab prepared a DNA report after the examination of items recovered from Katherine's vehicle. DNA testing results that were sufficient for comparison all matched Katherine's DNA.
- **June 17:** The Baltimore FBI Office contacted the Anne Arundel County Police after Reverend Morris requested the Department of Justice review the case. FBI Baltimore met with Anne Arundel County Police Homicide Unit and was briefed on the investigation. This briefing included each of the subsequent steps listed above and the exhaustive work put in by the OCME. After this meeting, no further questions were posed by the FBI.
- **Fall 2017:** In an effort to bring closure to Reverend Morris' concerns, I requested Retired Baltimore City Homicide Detective/Sergeant currently serving as our cold case analyst again review the investigation and findings. After his review was completed he concluded the death of Katherine was a suicide.

I sincerely hope this information helps to clarify and shed light on efforts made by several Anne Arundel County Police Chiefs in the years following the untimely death of Ms. Katherine Morris. The Anne Arundel County Police Department truly empathize with Reverend Morris for the loss of her daughter and sincerely hope she can someday find closure. Despite exhaustive efforts spanning 7 years, we are, unfortunately, left to conclude that Katherine's death was, in fact, a suicide.

Sincerely,

Timothy Altomare
Chief of Police

The following is Rev. Marguerite Morris' response to the letter sent by Police Chief Tim Altomare on Oct. 5, 2018. It's lengthy but contains copies of documents substantiating the Morris family's 6 ½ year claim of the falsification, manipulation and suppression of facts in reports about the death investigation of Katherine Sarah Morris. This misinformation has been repeatedly and deliberately put to the public to deter support and harm the character of Rev. Marguerite Morris.

Morris writes: While we appreciate the response but see that once again the AACPD have chosen to present false, misleading and or manipulated information to debase Rev. Morris' efforts and those of forensic and investigative experts from around the country. All to avoid full disclosure of truth and transparency in the mishandling of the death investigation of an African American woman named Katherine Sarah Morris (Kathy). The primary point and reason for the forming of C.A.S.T. (Citizen's Actively Seeking Transparency) is that most responses and opinions that confirm the police department's claims are based on persons solely only reviewing their file. The file that is put together by a biased police department where facts are suppressed, information omitted and truth manipulated. See the following professional responses that are factual and not based on emotion or conjecture. This information is not contained in the police files, even though much of it was passed on to them. The responses below are also the results of multiple MPIA request to the AACPD, the OCME, the AAC Community College and the UM Campus Police.

1. Chief Altomare states "May 6, 2012: Katherine Morris was discovered by Mall Security deceased within her vehicle. "

Morris' response: "This statement is true but we add that Mall Security personnel clearly admitted to disturbing the scene and in a videotaped deposition (available on line) searched the rear and trunk of the car, opened all four doors, and handled the keys etc. However, there is no spoilt evidence reported by AACPD. AACPD report to the public "no identifiable prints" but internally they write "There are no prints. No prints found at the scene on key items the victim would have to have handled including the sleeping pill bottle pictured below.



Below is the internal communication from AACPD about fingerprints and DNA

Page 1 of 1

Exhibit 47

There are no prints.

On Mon, Apr 27, 2015 at 11:34 AM, Richard Alban <02616@aacounty.org> wrote:
FYI

In regards to this investigation, as the evidence is processed lets go ahead and have all DNA evidence tested. This will make us transparent in our attempts to pursue any and all evidence in this investigation.

This may open up questions from the family as to the results but not doing so will definitely open up questions.

So whatever we can process in or on the vehicle please make sure we do it.

Also are there any partial prints etc... on the grill packaging????

Lets just report the facts.

Thanks

--
Lieutenant Richard Alban
Commander, CID Major Crimes Section
Anne Arundel County Police Department
41 Community Place
Crownsville, Maryland 21032
Office) 410-222-3455 C) 443-665-4302
02616@aacounty.org

Morris' response: AACPD also state that the exterior of the car was not fingerprinted because it was raining, but a recent review of the death scene photos show dry ground and a dry car.



Death scene photo of can of open soda with straw in it.

Morris states that the death scene photos show an open can of soda and water bottles - none of which (according to internal reports) are fingerprinted or checked for DNA.

2. **Chief Altomare states "Review of video surveillance:** Katherine's vehicle arrived on May 5, 2012 at 1854 hours and parked at 1858 hours. Katherine was found deceased at approximately 0530 hours the next morning. In full disclosure, while downloading the video evidence, Anne Arundel Community College Security personnel accidentally deleted a portion of the video. Before this occurred however, Chief Gary Lyle of the Anne Arundel Community College Police Department reviewed the video in its entirety and confirmed that NO ONE entered or exited Katherine's vehicle in the time it was parked there prior to her body being found."



Photo shows can sitting behind drivers seat on floor board. It was not fingerprinted or tested for DNA

Door handles and rear armrest are not fingerprinted

Morris' Response: Chief Lyle is a 27 veteran of the AACPD with a background in special investigations. His videotaped deposition is available on line where he claims repeatedly under oath that he gave the AACPD exactly what they asked for in reference to the footage. The President of AAC Community college in an email stated that they did not know why the footage was missing.

Chief Lyle states no one ever exited or entered the car

Police report reads

DEATH	12-716431	Supplement No
ANNE ARUNDEL COUNTY POLICE DEPARTMENT		
Narrative		
I spoke with Chief Lyle of AACC Public Safety and advised him of the situation. I learned that security camera footage partially covered the area. After a review, I was told it appeared the vehicle may have been parked in the spot since approximately 1500 hours the day [redacted]. The footage showed someone standing next to the vehicle and then the tail lights on between 2100-2200 hours, and possibly a vehicle pulling up nearby off camera at approximately 0120 hours. Nothing else was observed prior to the arrival of security at approximately 0530 hours.		

Morris' Response: The AACPD for six and a half years have repeatedly claimed other reasons for the missing footage as documented in their own internal memos and other communications. They claimed for the first year that the video did not play for compatibility reasons. In 2013 they changed the story to it not playing because the video was motion sensitive.

Now they give us a third version about the missing or altered surveillance tape. The good news is that we now see that My claims over the past 5 ½ years, that the missing surveillance footage was not because of motion sensitive cameras has been the truth! If I knew it, then why didn't the police know it after six alleged reinvestigations? Yet this false information was repeatedly reported to the FBI, the NAACP, the States Attorney's Office, the OCME and any other agency reviewing the AACPD file. THEY ALL SAW A LIE OR AS THEY WOULD PUT IT A MANIPULATION OF THE TRUTH IN REPORTING BY THE AACPD.

The recorded deposition of Chief Gary Lyle, clearly tells a different story. That videotaped deposition is available on the internet on youtube. Again, this falsified information was repeatedly claimed by the AACPD as the reason for all missing May 6, 2012 video surveillance footage, was presented to the Homicide Panel or so called Cold Case Review Committee and any others reviewing the file.

They now want to come with full disclosure about a manipulated truth and then rely on the credibility of unverified conflicting statements of the retried AACPD Officer reporting the info.

Below is the abbreviated version (heading info removed) of the internal police communications, that any one including the FBI, SAO, OCME, Governor's Office and all other agencies have seen.

Inter-Office Correspondence

February 7, 2014

To: Chief Kevin Davis
Chief of Police

Per the request and recommendations of the Cold Case Review Committee the following points/facts were re-examined and reviewed regarding the Katherine Morris Suicide:

- Obtain particulars on the surveillance video activity capturing Ms. Morris' vehicle as she committed suicide and answer Mrs. Margarite Morris request regarding "missing" footage.
- Attempt to establish if Katherine Morris purchased the disposable charcoal grills utilized as the method to commit suicide.
- Forensically examine the packaging of the disposable grills, nighttime sleep aid pill bottle and lighter recovered from within Ms. Morris' vehicle to ascertain if any foreign fingerprints are present.

Based on the above requests Homicide Detectives filed Court Orders looking into the financial records of Ms. Katherine Morris. It was found she had one (1) credit card in her name. A Court Order was served on "Barclaycard Company" requesting detailed purchase and billing records for said card covering the time period March 17, 2012 through May 16, 2012 (the date of the suicide was May 6, 2012). The requested statement returned, "No Transaction Activity at This Time" and "Account had a balance during the time period noted, however no transactions came through". Indicating Ms. Morris had not made any purchases in the time frame examined with said credit card.

Homicide Detectives also met with representatives from Wal-Mart in order to establish if tracking the grills purchased was possible through their internal inventory controls. Wal-Mart did recognize the product and acknowledge selling them in their stores. However, due to the item being "seasonal" in nature their sales are not tracked.

The Evidence Collection Unit also attempted to process the recovered grills, pill bottle and lighter for latent prints. All items were both Cyanoacrylate Fume processed and dusted with black powder. There were no viable samples obtained.

The video originally obtained of Ms. Morris' vehicle parked near the community college where she committed suicide was recorded and captured by Anne Arundel Community College security cameras. Mrs. Margarite Morris expressed concerns that portions of the video were missing or the video had been disturbed. This is most likely due to the fact there are several hours of footage where there is no motion on the screen and it appears as if the recording is "paused". The video is motion activated and will only record if the cameras observe movement within the recorded area. Homicide detectives spoke to the Director of Public Safety for the Community College Mr. Gary Lyle who offered to write a letter to Chief Kevin Davis regarding the functionality and integrity of the footage captured. Said letter should already have been received by the Chief's Office. Mr. Lyle advised he has previously been deposed regarding this matter by Mrs. Margarite Morris' attorney at which time he stated same. Mr. Scott McDaniel who works for Earth Security and is the person responsible for the installation and maintenance of the security cameras was spoken to and also verified the cameras only record when motion is detected.

All of the above facts and findings were presented to the Cold Case Review Committee on Monday, February 3, 2014 and it is their opinion this case displays no evidence of anything other than a suicide.

Chief Altomare states "Also, a forensic review of Katherine's cellular phone inside the vehicle showed messages clearly indicating her suicidal intent."

Morris' Response: There is plenty of data to rebuke this but far too much for this letter. However, persons of interest, one of whom had a habit of borrowing other persons phones (If AACPD Officers will recall in the Ramirez case the mistress was using the soldiers phone to send messages to the wife and to post to social media as if she were the husband.) In Kathy's case, the mistress used various aliases on the computer and also had a habit of borrowing other person's phones and identities. Above is a statement from the AACPD that says someone was seen near Kathy's car. One of the persons of interest had a vehicle similar to this one that is seen pulling away from Kathy's vehicle in a twelve minute window of time where the last communication came from her phone. That person has a degree in forensics, would not allow her statement to be recorded and was never alibied. (All documented and factual)



3. Chief Altomare states "May 2012: The office of the Chief Medical Examiner officially ruled the cause of Katherine Morris death as Carbon Monoxide Intoxication with the manner being suicide."

Morris' response: The cause of death is not disputed. It is the manner in which the carbon monoxide was introduced into Kathy's system that is disputed. MPIA responsive documents show that the suicide ruling by the OCME was done in less than 48 hours following Kathy's death with no investigation by AACPD. AACPD's own reports confirm that the M.E. was predisposed to suicide, only did a partial autopsy, and never considered any other possibility. The OCME did not do an independent investigation. The OCME relied on the information provided to them by the AACPD who in our opinion "played them like a well-oiled machine".

Below is an internal communication between the Office of the Chief Medical Examiner (OCME) and the AACPD referencing being the second draft of a letter bringing up the question. Was it co-authored and therefore a conflict of interest? The OCME's opinions are supposed to be independent.

10/17/2016

Ocmemd.org Mail



Second Morris Letter DRAFT

1 message

Aronica, Patricia <aronicap@ocmemd.org>
To: John Poole <q02212@aacounty.org>

Here is the DRAFT of our letter to Ms. Morris

--
Patricia A. Aronica, M.D.
Assistant Medical Examiner
Office of the Chief Medical Examiner
State of Maryland
900 West Baltimore Street
Baltimore, MD 21223

Second Morris Letter.docx
21K

4. **Chief Altomare states “June 2012:** Upon hearing concerns brought forward by Reverend Morris, Chief James Teare directed that the case be reopened. It was assigned to Anne Arundel County Homicide Detective Vincent Carbonaro.”

Morris’ response: AACPD have failed to explain this internal statement made about a direct order given to Det. Carbonaro in reference to the alleged reinvestigation.

Sirs,

Per the direction of Chief Kevin Davis (as a result of the Cold Case Review Team meeting) detectives have made attempts to prove Ms. Katherine Morris in fact purchased the charcoal grills utilized to kill herself. An attempt with Wal-Mart to track the purchases via UPC code and brand/product specifics yielded negative results. Wal-Mart advised the item is not tracked specifically enough to indicate when and where they were purchased. As a result of this information Detective DiPietro contacted the State's Attorney's Office in an attempt to retrieve a court order for Ms. Katherine Morris' bank statements to reveal if she had a transaction related to the purchase of the aforementioned materials. The State's Attorneys Office has indicated this is a closed investigation and they may not have the legal ability to honor the request based on the fact we are not investigating a specific crime. This decision is **NOT** final and Ms. Leitess is being consulted to see if our request may be honored.

Evidence Collection has re-processed all of the grills, packaging as well as the recovered lighter and were not able to obtain any identifiable latent fingerprints.

As a side note: Detective Carbonaro, who is an extremely thorough and capable investigator did not originally acquire the above details due to the fact he was given specific marching orders regarding the initial investigation and instructed not to deviate from same.

--
Sgt. John Poole #1442
Criminal Investigation Division
410-222-3456 (Office)
443-336-8217 (Cell)
JPoole@aacounty.org

Morris states that released documents verify that Det. Carbonaro was selective in his reporting and suppressed any facts that would have been relevant for a non-suicide finding, and did so on multiple occasions, as you will see in the following.

5. **Chief Altomare states “Detective Carbonaro learned from a University of Maryland College Park Police report that Katherine had attempted suicide in December 2011. The additional investigation findings were consistent with the prior finding of suicide.”**

Morris’ response: This is false. MPIA request were sent to UMC police and released documents reviewed. Direct phone calls were made to Campus police about their records related to this claim. It was Rev. Morris who called 911 because she was over ninety minutes away from the campus requesting a wellness check on her daughter as a precaution. Her daughter had expressed feeling suicidal the night before, but had not acted on those feeling. 911 operators in turn contacted campus police who assumed it was a suicide attempt in progress. Kathy was found sitting by her window, completely cooperative including voluntarily going with officers in what was standard operating procedure to be medically evaluated to ensure she was not a danger to herself.

6. Chief Altomare states “August 2012, Reverend Morris requested the US Army to conduct an investigation into Katherine Morris’ husband (Isaac Goodwin) who was stationed overseas at the time of her death. They confirmed Mr. Goodwin was in Afghanistan at the time of Katherine’s death.”

Morris’ response: May we respectfully remind the AACPD that just like in the death of a white female named Karyl Ramirez at the hands of a U.S. soldier who convinced his long time mistress to do his bidding, there was a mistress and another women involved in this case. Their names are Sgt. Latoya King and Damaris Brown and at the time of Kathy’s death records show that both of those women lived within 40 minutes of the UMD campus and had initiated contact with Kathy 72 hours before her death. Both persons of interest, spent three hours emailing and calling the deceased on the phone. She finally returns their phone calls. Neither individual was ever alibied. In his 2012 police report Det. Carbonaro chooses to only report a part of these important facts as seen below.

Detective Carbonaro in his reinvestigation report mentions 2 calls made by the victim. His exact comments are below

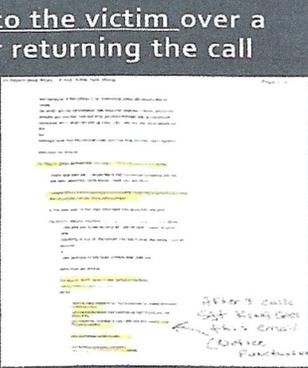
Ms. Brown told me that at about 1700 hours on May 2nd 2012, Miss Morris called and spoke with Sergeant King. Sergeant King used Ms. Brown’s cellular phone to speak with Miss Morris. Call history obtained in an examination of Miss Morris’s iPhone confirmed that she made two calls to (347) 931-8643 at 1726 hours and 1727 hours on May 2nd 2012. Ms. Brown

In the outgoing call section of Miss Morris’s call record, I observed two calls to (347) 931-8643 on May 2nd 2012. I obtained subscriber information and call records for this number by subpoena from Verizon and confirmed that this number / account belongs to Damaris Brown.



1 (347) 931-8643 (2)
NY, USA 5/2/12

What Detective Carbornado does not mention are calls and emails made to the victim over a span of 3 hours prior to her returning the call

when no response got King sent this email - This is not a cowardly God! notice punctuation

Missal Kowalchuk
Katherine Morris
Subject: Eyes

1 (347) 931-8643 (3)
NY, USA 5/2/12

Morris' response: Records show the mistress Sgt. Latoya King lawyered up immediately in this case. AACPD never attempted to question her. FOI'ed and subpoenaed documents show that Sgt. King was given a written direct order from the military to have no contact with Sgt. Goodwin. She violated that order over 60 times in the 30 days immediately following Kathy's death.

IN his written report Carbonaro states that Sgt. King was not available for questioning omitting the fact that she had obtained a lawyer. She is never questioned.

The best friend of Sgt. King was Damaris Brown conveniently and coincidentally has a bachelor's degree in forensics, drove a vehicle similar to the one seen pulling away from the Kathy's vehicle on the available surveillance tape; and who subsequently, (along with her husband) make statements that they are told on Sat. May 5, 2012 by a crying Sgt. Latoya King that Kathy was dead. Her body is not found until the morning of May 6, 2012.

One page of subpoenaed phone records reflect that Sgt. Goodwin's three year military mistress (he was only married to Kathy for 9 months) violated a written direct order and was physically with Goodwin when ordered to have no contact.

Date	Time	Number	Rate	Usage Type	Origin	Destination	Min.
5/10	10:05A	803-606-7482	Peak	M2MAllow	Chicago IL	Columbia SC	4
5/10	10:14A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	10:14A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	10:14A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	10:15A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	10:18A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	10:20A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	10:21A	703-781-0427	Peak	PlanAllow	Chicago IL	Englewood VA	1
5/10	10:22A	803-606-7482	Peak	M2MAllow	Chicago IL	Columbia SC	3
5/10	10:24A	803-606-7482	Peak	M2MAllow	Chicago IL	Columbia SC	3
5/10	10:27A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	10:41A	803-960-5760	Peak	PlanAllow	Chicago IL	Columbia SC	10
5/10	10:51A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	11:00A	703-767-4701	Peak	PlanAllow	Chicago IL	Alexandria VA	3
5/10	11:15A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	11:15A	703-498-0259	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	11:16A	803-606-7482	Peak	M2MAllow	Chicago IL	Occoquan VA	1
5/10	11:17A	718-219-6189	Peak	PlanAllow,CallWait	Chicago IL	Incoming CL	8
5/10	11:28A	803-606-7195	Peak	M2MAllow,CallWait	Chicago IL	Incoming CL	12
5/10	11:38A	803-606-7195	Peak	M2MAllow	Chicago IL	Incoming CL	4
5/10	11:52A	703-767-6720	Peak	PlanAllow	Chicago IL	Columbia SC	16
5/10	3:27P	800-854-5151	Peak	PlanAllow	Chicago IL	Alexandria VA	38
5/10	3:46P	803-606-7195	Peak	M2MAllow	Chicago IL	Toll-Free CL	11
5/10	3:49P	803-606-7195	Peak	M2MAllow	Arlington VA	Columbia SC	1
5/10	3:49P	803-606-7195	Peak	M2MAllow	Arlington VA	Columbia SC	1
5/10	3:49P	910-587-5753	Peak	PlanAllow	Arlington VA	Fayetteville NC	20
5/10	4:17P	803-606-7482	Peak	M2MAllow	Arlington VA	Incoming CL	4
5/10	4:37P	803-589-2412	Peak	PlanAllow	Arlington VA	Columbia SC	15
5/10	4:58P	718-219-6189	Peak	PlanAllow	Alexandria VA	Incoming CL	23
5/10	5:21P	803-960-8780	Peak	PlanAllow,CallWait	Springfield VA	Incoming CL	4
5/10	5:36P	703-498-0259	Peak	M2MAllow	Springfield VA	Occoquan VA	3
5/10	5:49P	703-498-0259	Peak	M2MAllow	Springfield VA	Occoquan VA	7
5/10	5:54P	888-546-3010	Peak	PlanAllow	Springfield VA	Toll-Free CL	8
5/10	6:51P	803-589-2412	Peak	PlanAllow	Alexandria VA	Columbia SC	17
5/10	7:12P	703-498-0259	Peak	M2MAllow	Alexandria VA	Occoquan VA	2

Note: Phone records also show that Sgt. Goodwin made a nine second phone call to the Kathy from Afghanistan on May 4, 2012. He is never questioned about the content of that call.

7. **Chief Altomare states “March 2013:** Chief Larry Tolliver, upon learning of continued concerns held by Reverend Morris, requested the investigation be reviewed by the Anne Arundel County State’s Attorney’s Office. That office reviewed our case file and documents provided by Reverend Morris including military documents. The SAO concluded that while Mr. Goodwin’s conduct in relation to Katherine was reprehensible, there were no criminal actions in Anne Arundel County.”

Morris’ response: Quite simply the office reviewed the AACPD’s case file with already documented misinformation, manipulated information, and where key facts that might have brought into question the erroneous suicide ruling were suppressed.

8. **Chief Altomare states “November 2013:** After taking office and hearing of Reverend Morris’ continued concerns, Chief Kevin Davis requested that a panel of veteran Prince George’s County Homicide detectives review the Katherine Morris investigation. In **February 2014** they concluded that Katherine’s death was a suicide.”

Morris’ response: A determination after the panel both received and reviewed false misleading and manipulated information that was presented to them by the AACPD. Please see photo’s below.

9. **Chief Altomare states “November, 2013:** In the same time frame, again in response to Reverend Morris’ concerns, we requested a retired Montgomery County Homicide detective then employed as Anne Arundel County Cold Case Analyst to review the investigation. They determined the findings were consistent and still remained a suicide.”

Morris response: A determination after that person both received and reviewed false misleading and manipulated information that was presented to them by the AACPD. Also released MPIA documents contain no reference, no information, no notes or reporting about any such review. It is not mentioned in any of the released internal email communications.

Below are excerpts from an internal memo sent to Kevin Davis about the homicide panel.

Morris response: According to the following internal memo, the homicide panel asked three questions of the AACPD before rendering a decision. What they got were false and or manipulated responses and anything that might have inferred anything other than suicide was not reported to the panel.

On the first point. From mid-2013 to mid-2018 the AACPD reported the surveillance tape footage missing because of the statement → **shown here.**

Again, this is what is communicated to anyone reading the reports.

Per the request and recommendations of the Cold Case Review Committee the following points/facts were re-examined and reviewed regarding the Katherine Morris Suicide:

- Obtain particulars on the surveillance video activity capturing Ms. Morris' vehicle as she committed suicide and answer Mrs. Margarite Morris request regarding "missing" footage.
- Attempt to establish if Katherine Morris purchased the disposable charcoal grills utilized as the method to commit suicide.
- Forensically examine the packaging of the disposable grills, nighttime sleep aid pill bottle and lighter recovered from within Ms. Morris' vehicle to ascertain if any foreign fingerprints are present.

The video originally obtained of Ms. Morris' vehicle parked near the community college where she committed suicide was recorded and captured by Anne Arundel Community College security cameras. Mrs. Margarite Morris expressed concerns that portions of the video were missing or the video had been disturbed. This is most likely due to the fact there are several hours of footage where there is no motion on the screen and it appears as if the recording is "paused". The video is motion activated and will only record if the cameras observe movement within the recorded area. Homicide detectives spoke to the Director of Public Safety for the Community College Mr. Gary Lyle who offered to write a letter to Chief Kevin Davis regarding the functionality and integrity of the footage captured. Said letter should already have been received by the Chief's Office. Mr. Lyle advised he has previously been deposed regarding this matter by Mrs. Margarite Morris' attorney at which time he stated same. Mr. Scott McDaniel who works for Earth Security and is the person responsible for the installation and maintenance of the security cameras was spoken to and also verified the cameras only record when motion is detected.

As you can see in 2018 they change the story to "In full disclosure, while downloading the video evidence, Anne Arundel Community College Security personnel accidentally deleted a portion of the video."

On the second point the panel ask.

The AACPD responded

Attempt to establish if Katherine Morris purchased the disposable charcoal grills utilized as the method to commit suicide.

Based on the above requests Homicide Detectives filed Court Orders looking into the financial records of Ms. Katherine Morris. It was found she had one (1) credit card in her name. A Court Order was served on "Barclaycard Company" requesting detailed purchase and billing records for said card covering the time period March 17, 2012 through May 16, 2012 (the date of the suicide was May 6, 2012). The requested statement returned, "No Transaction Activity at This Time" and "Account had a balance during the time period noted, however no transactions came through". Indicating Ms. Morris had not made any purchases in the time frame examined with said credit card.

Morris response: Below is how AACPD manipulated and suppressed information about Kathy's financial transactions. They report no transaction history. If Mommy could find it then why couldn't they? Does it tie back to the order given to Det. Vincent Carbonaro to not deviate from the suicide finding?

Katherine Morris Credit Cards
At the time of her death!

Police allegedly subpoenaed card with no transactions in the months prior to her death.



Katherine Morris Visa Check/Debit Card Purchases for May 2012

Police subpoenaed incorrect records and reported misleading findings to homicide panel stating, "Ms. Morris had not made any purchases in the time frame examined". Never asked or confirmed info with family.

Account Detail For KATHERINE S MORRIS Account 720441 Checking 8

Draft

Account Details	YTD Dividends	Annual Percent Yield	Dividend Rate	Prior-Year Dividends
	\$0.18	0.10%	0.100%	\$0.00

Account History
History for 5/1/2012 to 9/10/2012

Effective Date	Description	Amount	Balance
5/1/2012	Withdrawal @ MD COLLEGE PARK UNIVERSITY OF MD PAUSUNIVERSITY OF MD Trace #11154	(12.22)	\$33.44
5/1/2012	Withdrawal @ MD BELTSVILLE WAWA 593 00005USWAWA 593 00 Trace #734	(18.00)	\$18.44
5/1/2012	Withdrawal @ MD COLLEGE PARK MCDONALD'S M6193 OFUSMCDONALD'S M6193 Trace #29461	(11.05)	\$15.05
5/1/2012	Deposit-ACH-DFASN DFAS-IN IND, IN (ARMY ALLT)	\$600.00	\$615.05
5/2/2012	Withdrawal @ MD COLLEGE PARK 4404 KNOX RD US7 ELEVEN Trace #973946	(67.37)	\$607.68
5/2/2012	Withdrawal @ IL 301 9277827 JIMMY JOHNS 348 EUSHIMMY JOHNS 348 Trace #19406	(59.00)	\$598.68
5/2/2012	Withdrawal @ MD LAUREL 3549 RUSSETT GREEN USWAL MART #1985 Trace #843121	(57.14)	\$587.64
5/3/2012	Withdrawal @ MD BOWIE PANERA BREAD #3566 USPANERA BREAD #35 Trace #8044	(57.43)	\$579.81
5/4/2012	Withdrawal @ MD COLLEGE PARK UNIVERSITY OF MD PAUSUNIVERSITY OF MD Trace #18755	(52.57)	\$577.31
5/4/2012	Withdrawal @ MD RIVERDALE 6411 BALTIMORE AVE USUSPS 2378120737 Trace #927	(57.23)	\$576.66
5/4/2012	Withdrawal @ CA NETFLIX.COM NETFLIX.COM USNETFLIX.COM Trace #54422	(57.95)	\$568.67
5/4/2012	Withdrawal @ MD COLLEGE PARK 01444 BOULEVARD USCVS 01444 Trace #63379	(52.57)	\$542.50
5/4/2012	Deposit	\$200.00	\$742.50
	Withdrawal @ MD COLLEGE PARK 8721 BALTIMORE AVE		

WAL-MART
WAL-MART STORES, INC
702 SW 8TH STREET
BENTONVILLE, AR 72716-0100
FINANCE CUSTOMER SERVICE
PHONE (479) 277-2643
FAX (479) 277-9796

ST# 1905 OPP 00039274 TER 05 TR# 00326
BLJE STICK 002600005225 0.97 AD
FO44H WHITE 0079946005205 9.44 AD
SUBTOTAL 10.41
TER 05 OPP 00039274 TR# 00326
ET 00262 TR 013423
SALES TAX 1 0.63
TOTAL 11.04
ACCOUNT NUMBER 300000001025
DEBIT TEND 11.04
CHANGE DUE 0.00
EFT DEBIT PAY FROM PRIMARY
11.04 TOTAL PURCHASE
ACCOUNT # ***** 1005 S
EXPIRATION DATE 1305
REF # 21230639732
NETWORK ID 0097 APPR CODE 843121
TERMINAL # 28022142
05/02/12 01:34:23

Katherine Morris May 2, 2012
Walmart Receipt
No grill purchase only school supplies

ST# 1905 OPP 00039274 TER 05 TR# 00326
05/02/12 01:34:23
1 00000123003 2.28P
1 00000123003 4.28P
1 00000123003 12.45P
1 00000123003 1.69P
Subtotal 20.70
TAX 1 1.34
TOTAL 22.04
TER 05 OPP 00039274 TR# 00326
ET 00262 TR 013423
SALES TAX 1 0.63
TOTAL 11.04
ACCOUNT NUMBER 300000001025
DEBIT TEND 11.04
CHANGE DUE 0.00
EFT DEBIT PAY FROM PRIMARY
11.04 TOTAL PURCHASE
ACCOUNT # ***** 1005 S
EXPIRATION DATE 1305
REF # 21230639732
NETWORK ID 0097 APPR CODE 843121
TERMINAL # 28022142
05/02/12 01:34:23

Katherine Morris May 3, 2012
CVS Receipt
No Sleeping Pill purchase

Mem 125583 - Tampax Super 20ct
Mem 800417 - Blade, Bear Steaks
Mem 430374 - Mucinex Max Strength 14ct
Mem 264506 - CVS Disinfecting Wipes 20ct

On the third point the panel ask.



- Forensically examine the packaging of the disposable grills, nighttime sleep aid pill bottle and lighter recovered from within Ms. Morris' vehicle to ascertain if any foreign fingerprints are present.

The AACPD responded



The Evidence Collection Unit also attempted to process the recovered grills, pill bottle and lighter for latent prints. All items were both Cyanoacrylate Fume processed and dusted with black powder. There were no viable samples obtained.

Morris response: Please note the following internal comments made by the AACPD:

nope, nothing

Katie Pifer #3212
Crime Scene Technician II
Evidence Collection Unit
410-222-8810

On Fri, Nov 22, 2013 at 7:09 AM, Craig Robinson <p99441@aaaccountv.org> wrote:
Ok, thanks. I will get with Chanel for the coc.

Any luck?

Craig Robinson
Evidence Coordinator
Anne Arundel County Police
Crime Scene Unit
410-222-8812 Office
410-222-8805 Fax

On Fri, Nov 22, 2013 at 3:05 AM, Katie Pifer <p93212@aaaccountv.org> wrote:
Hello,

The latent processing has been completed and it's all repackaged.

I did notice, however, that the chain of custody doesn't show Chanel opening my packaging materials to get the UPC for the detectives, so you might want to add that in there....or do a little supplement maybe? She did initial the box/bag when it was resealed but just to be safe I thought that should be in the chain of custody for item CS-05. All it says is "TO ECU" and "Stored in E Room" then turned over to me.

Thanks,
Kate

10. Chief Altomare states “February 2015: County Executive Schuh, State’s Attorney Wes Adams and I met with Reverend Morris and her family. We heard her concerns and AGAIN re-opened the investigation. At this time I ordered further forensic examination of items recovered inside of Katherine’s car. “

Morris’ response: Upon review, the Forensics Biology DNA Report showed that Chief Altomare’s further forensic examination yielded false and misleading information about the DNA that was reported to the family and the public. POLICE KNEW THERE WOULD BE A PROBLEM WITH THE DNA BEFORE IT WAS TESTED.

MPIA shows AACPD knew there was going to be a problem with the DNA before it is tested

There are no prints.

On Mon, Apr 27, 2015 at 11:34 AM, Richard Alban <p02616@aacounty.org> wrote:
FYI

In regards to this investigation, as the evidence is processed lets go ahead and have all DNA evidence tested. This will make us transparent in our attempts to pursue any and all evidence in this investigation.

This may open up questions from the family as to the results but not doing so will definitely open up questions. A

So whatever we can process in or on the vehicle please make sure we do it.

Also are there any partial prints etc... on the grill packaging????

Lets just report the facts.

Thanks

--
Lieutenant Richard Alban

Below is an AACPD statement containing false DNA findings that would have been reported to others including the NAACP, FBI and the OCME. When the OCME is asked about the DNA reporting they state that is not what they do. According to their office the AACPD did the DNA testing and reported it to others

On August 4, 2015, a meeting was conducted with Reverend Tillet in attendance at AACPD Headquarters in Millersville. All of the information described below was discussed with him at this meeting. Including, DNA testing that was performed on the lighter and the grills by AACPD. Katherine’s DNA was found on one of the grill’s outer packaging and on the lighter.

AACPD Internal Communication vs Forensics Report

Good... this helps clear things up...A

On Wed, May 27, 2015 at 3:01 PM, Richard Alban <p02616@aacounty.org> wrote:
FYI

THIS IS NOT FOR RELEASE UNTIL CONFIRMED .

DNA came back on the lighter to be Katherine Morris and also on one of the burned grills.

No other DNA. ← NOT TRUE 2nd DNA Found on Lighter + Passenger Door

Again this MUST be Confirmed before it goes out.

This is just a heads up for future release.

--
Lieutenant Richard Alban
Commander, CID Major Crimes Section
Anne Arundel County Police Department

Item VV-02 (Swab from int. front passenger door):
A mixture of DNA from at least two individuals was obtained from this item. This is a partial mixture (3 out of 22 loci), which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited nature of this mixture, no conclusions can be made regarding this item.

The actual DNA Forensics Biology Report.

Offense Description: DOA
Laboratory Case Number: AA0122-15
Complaint Number: 12-716431
Analyzed By: Emilie Dembia

Report Date: May 27, 2015
Case Officer: Sgt. Poole #1442
Attention: BCU Evidence Coordinator
Agency: Evidence Collection Unit

DNA Conclusions:

Item CS-01 (Lighter):

→ A mixture of DNA from at least two individuals was obtained from this item. This is a partial mixture (16 out of 22 loci), which may be due to degradation or an insufficient amount of recoverable DNA. Katherine Morris cannot be excluded as a possible contributor to this mixture.

A major component can be determined at 7 out of 16 loci. Using Recommendation 4.1 from the 1996 National Research Council report¹, the frequency in the combined population^{2,3,4} of this major component and the known DNA profile of Katherine Morris is approximately 1 in 290 billion unrelated individuals.

→ Item CS-04 (Bottle of sleep aid medicine):

Three alleles were obtained from this item, which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited number of alleles, no conclusions can be made regarding this item.

→ Item CS-05 (Packaging for 2 disposable charcoal grills):

One allele was obtained from this item, which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited number of alleles, no conclusions can be made regarding this item.

Item CS-06 (Disposable charcoal grills):

Grill A:

A partial DNA profile (19 out of 22 loci) was obtained from this grill, which may be due to degradation or an insufficient amount of recoverable DNA. This partial profile is consistent with the known DNA profile of Katherine Morris.

Using Recommendation 4.1 from the 1996 National Research Council report¹, the frequency in the combined population^{2,3,5} of this partial profile and the known DNA profile of Katherine Morris is approximately 1 in 8.9 quintillion unrelated individuals.

Grill B:

→ No DNA profile was obtained from this grill. This may be due to degradation or an insufficient amount of recoverable DNA. As a result, no conclusions can be made regarding this item.

→ Item VV-01 (Swab from int. driver door):

A partial DNA profile (4 out of 22 loci) was obtained from this item, which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited nature of this profile, no conclusions can be made regarding this item.

Offense Description: DOA
Laboratory Case Number: AA0122-15
Complaint Number: 12-716431
Analyzed By: Emilie Dembia

Report Date: May 27, 2015
Case Officer: Sgt. Poole #1442
Attention: ECU Evidence Coordinator
Agency: Evidence Collection Unit

Item VV-02 (Swab from int. front passenger door):

A mixture of DNA from at least two individuals was obtained from this item. This is a partial mixture (3 out of 22 loci), which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited nature of this mixture, no conclusions can be made regarding this item.

Item VV-03 (Swab from int. rear driver door):

One allele was obtained from this item, which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited number of alleles, no conclusions can be made regarding this item.

Item VV-04 (Swab from int. rear passenger door):

No DNA profile was obtained from this item. This may be due to degradation or an insufficient amount of recoverable DNA. As a result, no conclusions can be made regarding this item.

Item VV-05 (Swab from steering wheel):

Four alleles were obtained from this item, which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited number of alleles, no conclusions can be made regarding this item.

11. **Chief Altomare states "May 2015:** Reverend Morris turned over digital evidence to the Anne Arundel County Police Department. Reverend Morris believed this evidence showed Katherine's cellular phone moving in the hours before her body was found"

*Morris' response: Chief Altomare is mistaken and seems to be down playing what this was actually about. Perhaps someone reporting to him is misreporting the facts. The following is a more accurate description. THIS IS LONG BUT NECESSARY TO BRING YOU THE FACTS. I requested a copy of the cell phone extractions from Kathy's phone. The AACPD gave me a PDF file of the extractions. Because of what I viewed as a misinformation or false statements about the missing surveillance tape footage I had grown to not trust the AACPD responses. In the interim, a forensics company out of Las Vegas, named Expert Data Forensics selected the Morris case as free project and performed the same data extractions as the AACPD police using the same software as AACPD. Kathy's electronics were flown to Las Vegas and I flew to Las Vegas where the company is based. ABC's 20/20 sent a reporter to Las Vegas to record the findings. With TV cameras rolling a team of individuals started reviewing records. As the two copies were compared there was a block of time missing from the AACPD PDF. It was a block that on the Expert Forensic Data extractions reflected the phone possibly moving and the records possibly showing movement were deleted. **I'M SPEAKING TRUTH TO POWER SO KEEP FOLLOWING ME PLEASE.** The Expert Data Forensics' Company instructed me to go back to the AACPD and request from them the "Raw Data" files used to create the*

PDF file they had given me. Reason. The PDF file can be manipulated. The Raw Data files cannot. That request was sent to Chief Altomare in July of 2015 who for two years ignored it. In 2017 an MPIA request finally yielded a claim from the AACPD that now, the hard drive containing the "Raw Data" files had crashed and those files were "conveniently unrecoverable.

The below image is the email sent to Chief Altomare and his staff in 2015 that was not responded to.

Good Evening Chief Altomare,

The following request was received from Expert Data Forensics. Could you please let us know if this data is available.

Thank you

Marguerite Morris
301-408-8833

Sent from Morey's Device

From: [Eliya Azoulay](#)
Sent: Monday, July 6, 2015 4:42 PM
To: morrisrite@msn.com

Good afternoon Marguerite.

In our attempt to compare Kathy's cell phone forensic extraction reports from the one produced by Law Enforcement (IMAGE A) a few years back to the report we extracted this year, we see that Law Enforcement DVD does not have all the folders, and subfolders that contain the raw data and logs that feed into the report. We received only the PDF file called Report (see image) what we were hoping to get is the complete forensic extraction -

IMAGE A: Report from Law Enforcement

12. Chief Altomare states "I directed the data to be reviewed by a Digital Forensics Lab. An analysis of the data showed that the phone was maintaining a database of cellular towers surrounding it rather than it moving. The report from the lab was given to Reverend Morris. "

Morris' response: In addition, if you review the report and note below, you can see it is not from "a" Digital Forensics Lab", but from their Digital Forensics Lab detectives. More importantly, it cannot definitively state where Kathy's phone was at all times on the night of May 5, 2012. It does not address the GPS location records that were deleted. It only talks about the phone storing locations. This is another manipulated response.

5/11/2015

Anne Arundel County Mail - Call back to Ms. Morris

at GPS data the 24 hours around day of her daughter's death.

Below is an internal communication

Ms Morris said the info from the digital forensic lab is on a thumb drive and she would be willing to allow us to make a copy so we could review. These arrangements will be made direct with Sgt Poole so that our AAPD Digital Forensics Lab folks can oversee the copying of the data.

HHH

ANNE ARUNDEL COUNTY, MD POLICE DEPARTMENT
 CRIMINAL INVESTIGATION DIVISION
 HOMICIDE UNIT
 CONFIDENTIAL INVESTIGATIVE SUPPLEMENTAL REPORT

Exhibit 13
 Pg 1 of 3

Morris' response: I have not received any report from a "Digital Forensics Lab". What I have received is an AACPD CID Supplemental Report signed by an Officer Poole and Det. Seegers. Therefore that report is one prepared by the AACPD themselves and shown here.

In addition, while the report talks about the phone housing records this report does not address nor explain away the GPS extracted files that showed up as deleted from the AACPD's PDF file given to the Morris family. Those files showed Kathy's cell phone possibly away from the Arundel Mills Mall, at times throughout the evening on the night of her death.

***Note 1: This report also contains another documented untruth about what was on the thumb drive provided by Morris. See the third paragraph. The truth is reflected in the photos below.**

****Note 2 Rev. Morris was given a letter from a cell tower expert that refutes the AACPD statement. See page 23 for the letter.**

<u>Offense/Incident</u> Death/Suicide	<u>Victim/Business Name</u> Morris, Katherine Sarah	<u>Case Number</u> 2012-716431
<u>Date Written</u> May 30, 2015	<u>Victim/Business Address</u> 7009 Arundel Mills Blvd. Hanover, Maryland	<u>Original Date</u> May 6, 2012

SUPPLEMENTAL REPORT

On May 6, 2015 at approximately 10:00 am I met with Ms. Morris and her son in the lobby of CID (Criminal Investigation Division) 41 Community Place, Crownsville, Maryland 21032. This was in reference to an iPhone 3GS, from a suicide case, which was downloaded by Expert Data Forensics, 5071 N. Rainbow Blvd #180, Las Vegas, NV 89130. Ms. Morris handed me a blue in color PNY 16GB thumb drive which contained the digital download from Expert Data Forensics. I explained to Ms. Morris that I was going to make a copy of the information on the thumb drive and would return it as soon as it was completed.

I took the PNY thumb drive and made a copy of the extraction from Expert Data Forensics and place this copy on my forensic computer under case file name: Morris Case#2012-716431. I open the file which was created by Expert Data Forensics and recognized the file was from a Cellebrite Physical Analyzer v4.1.3.14. This is the same forensic device we use in our lab. I am familiar with this device and have performed over five hundred (500) extractions using this device. The copy was completed at approximately 10:39 am and I returned the thumb drive to Ms. Morris in the lobby.

I examined the report generated from Expert Data Forensics as they did not provide the actual files from the Cellebrite extraction. I was asked to look at the Cellebrite report and explain what the location contents are. I check the Contents and Type I observed 'Locations'. This was showing 180253 different locations on this iPhone 3GS which was running iOS version 4.1.

This can be explained as the iPhone is maintaining a database of Wi-Fi and cell tower locations around that iPhone's current location. I was able to verify this information from Apple and provided a excerpt from Apple's website. According to Apple, "The iPhone is not logging your location. Rather, it's maintaining a database of Wi-Fi hotspots and cell towers around your current location, some of which may be located more than one hundred miles away from your iPhone, to help your iPhone rapidly and accurately calculate its location when requested. Calculating a phone's location using just GPS satellite data can take up to several minutes. iPhone can reduce this time to just a few seconds by using Wi-Fi hotspot and cell tower data to quickly find GPS satellites, and even triangulate its location using just Wi-Fi hotspot and cell tower data when GPS is not available (such as indoors or in basements). These calculations are performed live on the iPhone using a crowd-sourced database of Wi-Fi hotspot and cell tower data that is generated by tens of millions of iPhones sending the geo-tagged locations of nearby Wi-Fi hotspots and cell towers in an anonymous and encrypted form to Apple".

ANNE ARUNDEL COUNTY, MD POLICE DEPARTMENT
 CRIMINAL INVESTIGATION DIVISION
 HOMICIDE UNIT
 CONFIDENTIAL INVESTIGATIVE SUPPLEMENTAL REPORT

Exhibit 13
 Pg 2 of 3

<u>Offense/Incident</u> Death/Suicide	<u>Victim/Business Name</u> Morris, Katherine Sarah	<u>Case Number</u> 2012-716431
<u>Date Written</u> May 30, 2015	<u>Victim/Business Address</u> 7009 Arundel Mills Blvd. Hanover, Maryland	<u>Original Date</u> May 6, 2012

In summary this iPhone was not moving. The data from the location content was being collected by Apple for cell tower location updates. This information is for Apple to use to accurately calculate locations when requested.

Furthermore Ms. Morris has expressed interest in the IP Connections from May 5, 2012. The times from the IP Addresses from Cellebrite are in UTC (Coordinated Universal Time) which is -4 hours from UTC I've attached a conversion chart showing the times from UTC to EST (Eastern Standard Time).

Chart shows Standard and Daylight Savings Time for each zone.
 "S" = Standard and "D" = Daylight Saving time (CST, CDT)

PST	PDT	MST	MDT	CST	CDT	EST	EDT	UTC
4 p.m.	5 p.m.	5 p.m.	6 p.m.	6 p.m.	7 p.m.	7 p.m.	8 p.m.	00:00
5 p.m.	6 p.m.	6 p.m.	7 p.m.	7 p.m.	8 p.m.	8 p.m.	9 p.m.	01:00
6 p.m.	7 p.m.	7 p.m.	8 p.m.	8 p.m.	9 p.m.	9 p.m.	10 p.m.	02:00
7 p.m.	8 p.m.	8 p.m.	9 p.m.	9 p.m.	10 p.m.	10 p.m.	11 p.m.	03:00
8 p.m.	9 p.m.	9 p.m.	10 p.m.	10 p.m.	11 p.m.	11 p.m.	Midnight	04:00
9 p.m.	10 p.m.	10 p.m.	11 p.m.	11 p.m.	Midnight	Midnight	1 a.m.	05:00
10 p.m.	11 p.m.	11 p.m.	Midnight	Midnight	1 a.m.	1 a.m.	2 a.m.	06:00
11 p.m.	Midnight	Midnight	1 a.m.	1 a.m.	2 a.m.	2 a.m.	3 a.m.	07:00
Midnight	1 a.m.	1 a.m.	2 a.m.	2 a.m.	3 a.m.	3 a.m.	4 a.m.	08:00
1 a.m.	2 a.m.	2 a.m.	3 a.m.	3 a.m.	4 a.m.	4 a.m.	5 a.m.	09:00
2 a.m.	3 a.m.	3 a.m.	4 a.m.	4 a.m.	5 a.m.	5 a.m.	6 a.m.	10:00
3 a.m.	4 a.m.	4 a.m.	5 a.m.	5 a.m.	6 a.m.	6 a.m.	7 a.m.	11:00
4 a.m.	5 a.m.	5 a.m.	6 a.m.	6 a.m.	7 a.m.	7 a.m.	8 a.m.	12:00
5 a.m.	6 a.m.	6 a.m.	7 a.m.	7 a.m.	8 a.m.	8 a.m.	9 a.m.	13:00
6 a.m.	7 a.m.	7 a.m.	8 a.m.	8 a.m.	9 a.m.	9 a.m.	10 a.m.	14:00
7 a.m.	8 a.m.	8 a.m.	9 a.m.	9 a.m.	10 a.m.	10 a.m.	11 a.m.	15:00

Case Status: () Open (X) Closed () Arrest () Suspended () Unfounded

Detective J. Seegers #1223

Sergeant J. Poole #1442

ANNE ARUNDEL COUNTY, MD POLICE DEPARTMENT
 CRIMINAL INVESTIGATION DIVISION
 HOMICIDE UNIT
 CONFIDENTIAL INVESTIGATIVE SUPPLEMENTAL REPORT

Exhibit 13
 pg 3 of

IN THE REPORT AACPD REFERENCES HOW THE DOWNLOADED GPS SETTINGS DO NOT REFLECT WHERE THE PHONE IS LOCATED.

However, in contradiction to what the report says on page 1 and 2, on page 3, THE AACPD REPORT CITES THAT AT A PARTICULAR TIME THE PHONE WAS AT A SPECIFIC LOCATION

THAT IS ACCORDING TO THE PHONES INTERNAL GPS DATA. It's right there in black and white. THE REPORT CONTRADICTS IT SELF – SO WHERE DOES THE TRUTH LIE. Are we missing something?

Note: In testing random GPS locations at known points of time prior to and following Kathy's death, the phone locations identified were accurate.

<u>Offense/Incident</u> Death/Suicide	<u>Victim/Business Name</u> Morris, Katherine Sarah	<u>Case Number</u> 2012-716431
<u>Date Written</u> May 30, 2015	<u>Victim/Business Address</u> 7009 Arundel Mills Blvd. Hanover, Maryland	<u>Original Date</u> May 6, 2012

8 a.m.	9 a.m.	9 a.m.	10 a.m.	10 a.m.	11 a.m.	11 a.m.	Noon	10:00
9 a.m.	10 a.m.	10 a.m.	11 a.m.	11 a.m.	Noon	Noon	1 p.m.	17:00
10 a.m.	11 a.m.	11 a.m.	Noon	Noon	1 p.m.	1 p.m.	2 p.m.	18:00
11 a.m.	Noon	Noon	1 p.m.	1 p.m.	2 p.m.	2 p.m.	3 p.m.	19:00
Noon	1 p.m.	1 p.m.	2 p.m.	2 p.m.	3 p.m.	3 p.m.	4 p.m.	20:00
1 p.m.	2 p.m.	2 p.m.	3 p.m.	3 p.m.	4 p.m.	4 p.m.	5 p.m.	21:00
2 p.m.	3 p.m.	3 p.m.	4 p.m.	4 p.m.	5 p.m.	5 p.m.	6 p.m.	22:00
3 p.m.	4 p.m.	4 p.m.	5 p.m.	5 p.m.	6 p.m.	6 p.m.	7 p.m.	23:00

In the Expert Data Forensics report it shows within the IP Connections an IP address which belongs to 'umd.edu' (University of Maryland) on 5/5/2012 at 6:52:26 PM (UTC) connecting to Katherine Morris' iPhone. This time in Eastern Standard Time (EST) will be 2:52 PM EST. Thus the iPhone was evidently still at/on the campus grounds at said time (2:52 PM EST) and not yet at Arundel Mills Mall.

Morris' response: I reached out via phone to a Ben Lemere of the Berla Corp (digital forensics) for assistance and for some reason he reported my inquiry back to the AACPD. That communication elicited the following internal comments where the "AACPD officer was calling back the receptionist I spoke with "for the details of the conversation.". But why? Pictured below is the officer's actual statement.

As a side note our VIP contact Ben Lemere advised Ms. Morris contacted his company (BERLA Corp.) for a download of her daughter's phone because the company in Vegas highly recommended his expertise. I have reached out to the receptionist she spoke to and will get the details of the conversation. Mr. Lemere has not responded to the request yet and is deferring to us for guidance. He has offered any assistance we request.

-Sgt. J. Poole

On Thu, Apr 30, 2015 at 1:32 PM, Herbert Hasenpusch <p02600@aacounty.org> wrote:
 [Quoted text hidden]
 [Quoted text hidden]

Morris writes that just as a side note, in 2015 the message below was sent by from the Interim Chief of Police to the head of their Criminal Investigation Division (Alban)

Herbert Hasenpusch <hhasenpusch@aacounty.org>
 To: Richard Alban <p02616@aacounty.org>

Mon, Mar 23, 2015 at 3:13 PM

After the review if there is nothing... I am okay with releasing anything and everything we would normally release on a suicide case... Might help with closure on the families end...

Also, be aware that FOIA and PIA requests may include our email correspondence at some point...

HHH

[Quoted text hidden]

To illustrate the untruth contained in the report on page 20 see below.

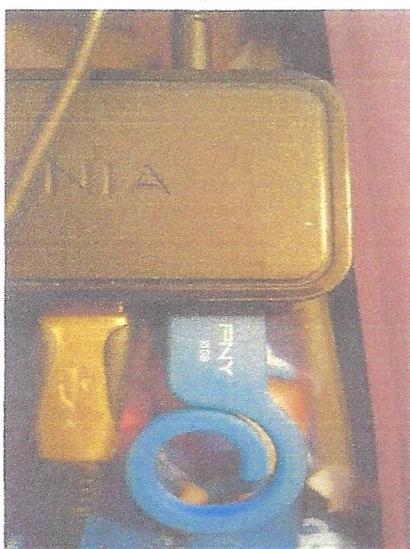
The AACPD officer states:

I examined the report generated from Expert Data Forensics as they did not provide the actual files from the Cellebrite extraction. I was asked to look at the Cellebrite report and explain what the location contents are. I check the Contents and Type I observed "Locations". This was showing 180253 different locations on this iPhone 3GS which was running iOS version 4.1.

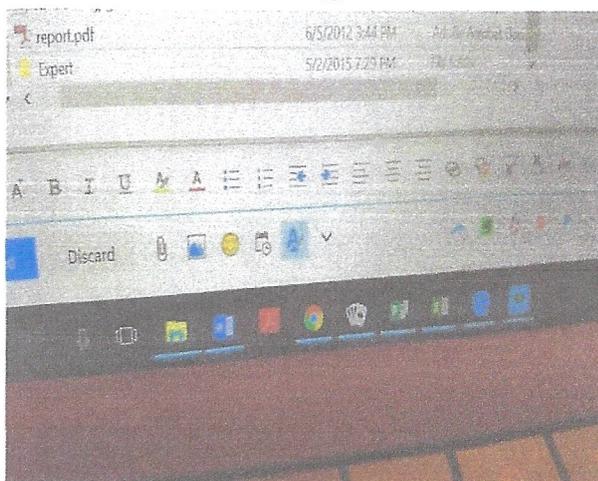
The truth reported by Morris is the following:

Pictured is actual thumb drive given to AACPD on May 6, 2015 to compare their Cellebrite extractions to the extractions completed by Expert Data Forensics and to explain the GPS discrepancies. Pictured in A is actual blue thumb drive. In Picture B is PDF file titled "report" and is the file extraction created by Anne Arundel County Police themselves. Picture C is enhanced picture of PDF showing May 4 was the date it was created on the thumb drive provided to AACPD. Detailed in picture D are the files created by Expert Data Forensics in their entirety. This clearly shows more than a PDF file was provided to AACPD on May 6, 2015 .

A

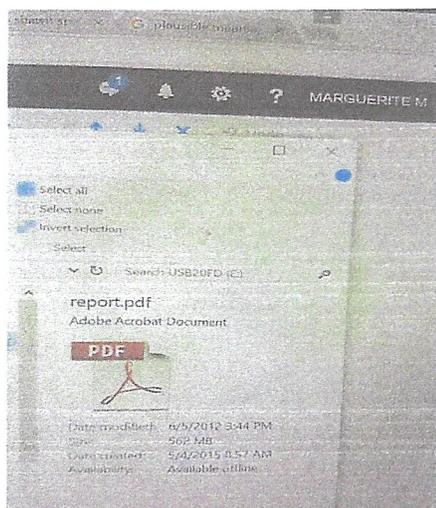


B

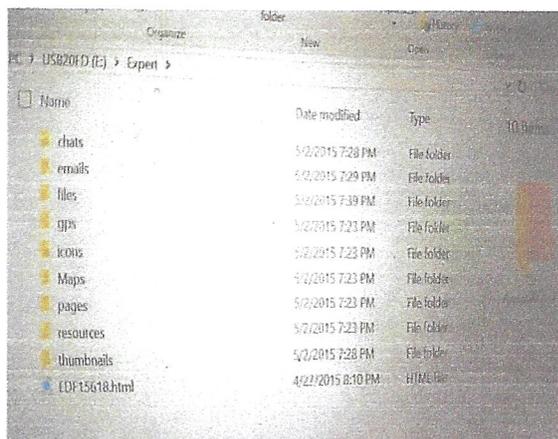


Actual PNY
Thumb Drive

C



D



The Morris family team consist of a certified cell tower expert based out of Virginia who submitted the following 2 page letter



LABOR 86

To Whom it May Concern,

I was first contacted by Marguerite Morris in October, 2016 and agreed to join the Morris' team of experts by offering pro-bono services as a digital forensic and cell site analysis expert. Over the past 17 months several questions were posed to me. The main incident under investigation was in reference to the death investigation of Katherine Sarah Morris who died May 6, 2012 and the associated cell phone data extractions.

Originally, my assistance was to compare the mobile forensic data extraction of the Expert Data Forensics (EDF) GPS records stored on the AT&T iPhone 3GS belonging to Katherine Morris with those of the AACPD extracted GPS records which allegedly showed a block of missing files. The file extractions done by EDF were done on several occasions with the most recent Cellebrite software versions available at the time of the extractions. It was believed that the EDF files showed the victims cellphone moving when according to the AACPD it was stationary. Questions were also asked about UTC time.

Background

In May of 2017 using the most recent version of Cellebrite, a copy was provided directly to me for my opinion/confirmation of movement or lack thereof, from an expert in cell site location analysis.

A new set of extractions were sent to me on an 128Gig Flash Drive onto which they had dumped the UFED data. This flash drive was shipped directly to me from Eliya Azoulay-Mare, Director of Operations for Expert Data Forensics.

Prior chain of custody challenges were considered in reference to the phone and IPOD with Ms. Morris stating that the items were maintained with the packaging seals unbroken from when Expert Data Forensics had sealed them. This was following their original extractions and were also kept in a tamper proof fire proof safe.

The main files of interest were the EDF extractions records that showed potential movement on May 5th and/or 6th, 2012 because GPS road coordinates were showing locations that appeared to be several miles away, but occurring when the victim's body and phone were believed to be stationary.

The question was posed, would or could UTC time effect the extractions, and did they?

My response was that the UTC time would not affect the data in the extraction. UTC time is used mainly for uniformity when analyzing the data, especially on mobile devices because they can easily be switched from time zone to time zone. For example, if a file was created at 04:00

a.m. UTC, the local Eastern time stamp would be midnight during Daylight Savings Time and 11:00 PM the day prior during Daylight Standard Time.

Marguerite Morris found a video file within the extraction data created at approx. 11:18 p.m. on May 5, 2012. A further question was posed, how was the video created or played? Did it come from some sort of automated process or if someone actually physically downloaded and played it?

The best explanation I could provide for the creation of the video on the phone was that someone used the phone on/around that date and time and it was downloaded onto the phone. It may have just been viewed and automatically downloaded, but either way, it indicated some kind of use.

In my opinion, the conclusion that the phone wasn't moving is based upon partial evidence. To accurately make this conclusion, one would have had to compare the data on the phone with the cell site data from the cellular provider. Another very simple way to tell if the phone was moving is to look at the cellular provider records and see if the phone was connecting to multiple cell sites and/or sectors around the time of the incident. However, I don't know if the AACPD obtained this data. If they didn't, it's long since been purged from the AT&T servers and likely no longer available. Since these records were not requested and/or preserved there is no way to definitively determine the location of the phone on the night in question.

Sincerely,

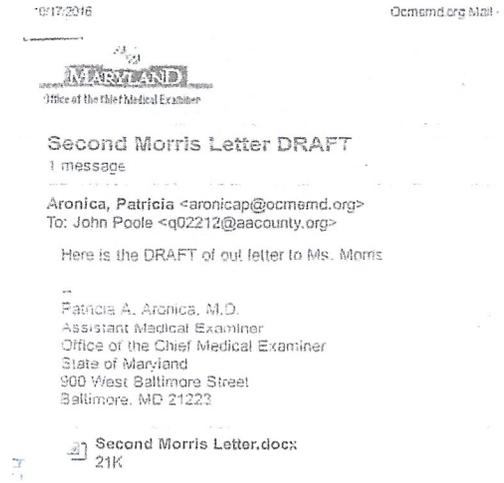
Patrick J. Siewert,
Principal Consultant
Professional Digital Forensic Consulting, LLC (Pro Digital)
Based in Richmond, Virginia
Website: <http://ProDigital4n6.com>
Phone: 804.588.9877
Fax: 804.774.7569
Email: Patrick@ProDigital4n6.com
Virginia DCJS# 11-14869

13. **Chief Altomare states “Summer 2015:** Again because of Reverend Morris’ concerns, Dr. Aronica-Pollack of the OCME conducted in depth research into carbon monoxide deaths. She researched 204 CO2 deaths. 20 of these cases were suicides with charcoal grills and 13 of these were in a car. Reverend Morris provided a list of 22 concerns, including the same digital evidence provided to AACOPD in May was also turned over to the OCME. Finally, the doctor re-examined the positioning of Katherine’s body in the car and burns she suffered. In conducting her research and review, Dr. Aronica-Pollack reached the same conclusion as the contract Digital Forensics Lab. After her further review, Dr. Aronica Pollack still concluded the death of Katherine Morris was a suicide.”

It is important to note that the OCME is the entity that determines that cause and manner of death in Maryland. Dr. Aronica-Pollack concluded, “None of the points brought to our attention lead us to believe foul play was involved in any way. In fact, the manner of suicide is supported by the information gathered.”

Morris' response: The OCME is an entity that relies on the input of the police department. They do not do DNA testing, they do not review video tapes, they do not collect and test evidence at the scene, nor do they investigate the circumstances around a victim's death.

Yet the AACPD want to tout the OCME involvement just like the alleged involvement of the FBI to debase Morris' support. The letter they reference from Dr. Pollack is a shame and an embarrassment to the OCME. Our evidence shows that it was co-authored with the AACPD, cut and pasted on OCME letter head, and then signed by Dr. Fowler. The OCME did not do an independent investigation. An MPIA responsive document shows planned collaboration between the two agencies as they prepared to meet with Rev Steve Tillett of the NAACP



ALSO IN THIS SAME LETTER THE OCME REPORT FALSE DNA FINDINGS TO THE MORRIS FAMILY WHICH THE AACPD KNEW. Released MPIA info. shows that the letter containing the response to the Morris family contained false DNA findings and was reviewed by the AACPD on at least two separate occasions before being released to the Morris family and the public. KATHY'S DNA IS NOT ON THE GRILL PACKAGING. DNA FROM THE LIGHTER IS FROM TWO DIFFERENT INDIVIDUALS. YET THEY REPEATEDLY REFERENCE THIS LETTER THAT CONTAINS FALSE DNA FINDINGS AS VALIDATION AND CONFIRMATION OF AN ERRONEOUS SUICIDE RULING. THE OCME ONLY SEES THE REPORTS PRESENTED TO THEM BY THE AACPD.

The Office of Chief Medical Examiner for the state of MD issued a letter to the family stating

"Katherine's DNA was found on one of the grill's outer packaging and on the lighter

The Forensic Biology Report Results say

DNA Conclusions:

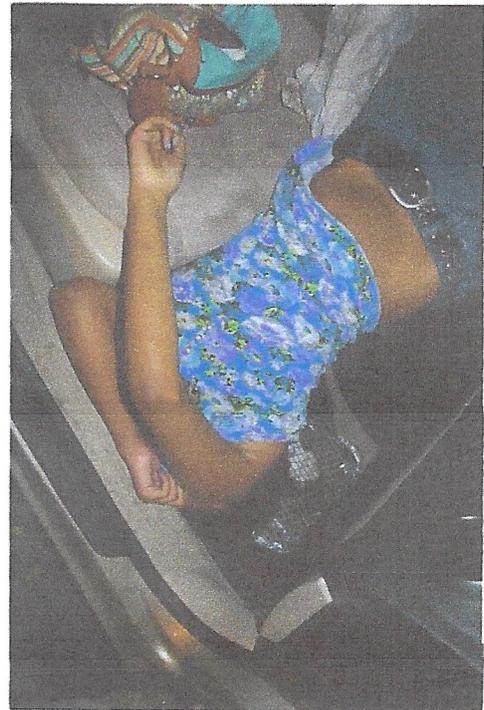
Item CS-01 (Lighter):
A mixture of DNA from at least two individuals was obtained from this item. This is a partial mixture (16 out of 22 loci), which may be due to degradation or an insufficient amount of recoverable DNA. Katherine Morris cannot be excluded as a possible contributor to this mixture.

Item CS-05 (Packaging for 2 disposable charcoal grills):
One allele was obtained from this item, which may be due to degradation or an insufficient amount of recoverable DNA. Given the limited number of alleles, no conclusions can be made regarding this item.

In addition, the claim that DR. Aronica reexamined the position of Kathy's body is questionable. The OCME office states that they have released all communications and records. There is not a single notation of any such review by Dr. Aronica. Yet, what Chief Altomare is stating is that the Medical Examiner Dr. Aronica has reviewed the following photos and on the record finds them consistent with suicide. Therefore, Katherine Morris after having allegedly ingested 8 sleeping pills and falling into a comatose state after inhaling carbon monoxide from charcoal grills would have fallen naturally in the position shown. The burns to her body are post-mortem which means she naturally moved on top of the grills after she died. Turned her arm in the awkward position and buried her own face down into the well of the door. THIS IS THE POSITION OF THE BODY BEFORE EMERGENCY PERSONELL ARRIVED UNLESS THERE IS SOMETHING SOMEONE FORGOT TO TELL US.

It also means that she would have laid on top of her purse that is showing to include a water bottle that is on the same seat.

Death scene photo of victims body Exhibit #153 showing arm in unnatural position



14. Chief Altomare states "May 2015: The Anne Arundel County Police Crime Lab prepared a DNA report after the examination of items recovered from Katherine's vehicle. DNA testing results that were sufficient for comparison all matched Katherine's DNA. "

Morris' response: False and misleading, and is a clear manipulation in reporting. What do they mean by "DNA testing results that were sufficient for comparison all matched Katherine's DNA." See the enclosed DNA Forensic Biology Report on pages 17 and 18.

Note: The report shows that there were also DNA hits from at least one other person that were found at the scene, with no documented attempts to identify it.

15. Chief Altomare states “June 17: The Baltimore FBI Office contacted the Anne Arundel County Police after Reverend Morris requested the Department of Justice review the case. FBI Baltimore met with Anne Arundel County Police Homicide Unit and was briefed on the investigation. This briefing included each of the subsequent steps listed above and the exhaustive work put in by the OCME After this meeting, no further questions were posed by the FBI.”

Morris’ response: REPEATEDLY THE AACPD MISLEAD INDIVIDUALS BY STATING THAT THE FBI HAD INVESTIGATED THE DEATH OF KATHERINE SARAH MORRIS. When in fact the FBI office only reviewed the AACPD’s case file with already documented misinformation, manipulated information, and where key facts that might have brought into question the erroneous suicide ruling were suppressed.

In addition, research shows that other than the 2015 meeting with OCME, the M.E. appeared to have pulled her data primarily from archived annual OCME reports and a review of those numbers showed exaggerated numerical results. It does not appear there was any exhaustive work done. I have done at least three separate MPIA request to the OCME none of which have yielded anything that reflects any extra effort or support to the AACPD allegations.



However in one released document there is a notation that the M.E attempted to get the Maryland State police to examine evidence and when they refused to do so without following proper protocol, Dr. Aronica had someone that worked in her office, that happened to know something about phones, but who “was not classified as an expert in the field” give an opinion.

16. Chief Altomare states “Fall 2017: In an effort to bring closure to Reverend Morris’ concerns, I requested Retired Baltimore City Homicide Detective/Sergeant currently serving as our cold case analyst again review the investigation and findings. After his review was completed he concluded the death of Katherine was a suicide.”

Morris response: The FBI office and this “Retired City Homicide Detective/Sergeant” reviewed only the AACPD’s case file with already documented misinformation, manipulated information, and where key facts that might have brought into question the erroneous suicide ruling have been continuously suppressed.

Thank you, Rev. Marguerite R. Morris

Second
Opinion from
Forensic
Pathologist



FORENSIC PATHOLOGY
CONSULTATION SERVICES, P.A.

June 7, 2019

David R. Fowler, M.D., Chief Medical Examiner
Patricia Aronica-Pollak, M.D., Assistant Medical Examiner
State of Maryland Office of the Chief Medical Examiner
Forensic Medical Center
900 West Baltimore Street
Baltimore, Maryland 21223-2595

Re: Decedent: Katherine Sarah Morris, Case Number: #12-3499

Dear Dr. Fowler and Dr. Aronica-Pollak:

Hello, Dr. Fowler and Dr. Aronica Pollak. Marguerite Morris has requested that I review documents pertaining to the death of her daughter, Katherine Morris.

The death appears quite consistent with suicide. I do not have any issues regarding the body of your excellent report. However, it is my understanding that there are some suspicious circumstances regarding Katherine Morris's death that were not investigated by the police.

The decedent wed a military man (Goodwin) nine months prior to her death. The military provides \$100,000 life insurance on military spouses. Reportedly, the new husband had a long-time mistress (King – also in the military) whom he was seeing for a total of three years prior to and during his marriage to Katherine Morris. Prior to his marriage to Morris, Goodwin had been convicted of misappropriation of government funds. Beginning in July of 2011, approximately \$550 was being garnished from Goodwin's wages per month as a consequence of his crime. Goodwin married Morris the following month, August 2011. After Goodwin wed Morris, the military paid \$600 to \$700 in spousal benefits per month; which Goodwin kept for himself and hid from his wife Morris.

In January of 2012, Morris became aware that Goodwin was receiving and keeping for himself the spousal benefits being paid by the military on her behalf, which she reported to the military. The military ordered Goodwin to provide her with the money every month. Her first almost full allotment of the monthly benefits began on May 1, 2012 (five days prior to death).

In March of 2012, Morris became aware of Goodwin's affair with King. King, in conjunction with her best friend Damaris Brown who has a bachelor's degree in forensic science, used aliases to attempt to contact Morris on May 2, 2012 through email and phone. Morris called them back, but the content of her conversation with King and Brown is unknown.

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Email: thedoc@forensicpathservices.com • Website: www.forensicpathservices.com

*Board Certified by the American Board of Pathology
Anatomic Pathology • Clinical Pathology • Forensic Pathology*

On May 4, 2012 (one day prior to her death), Morris threatened to expose Goodwin and King's affair to the military, which would result in both Goodwin and Brown being dishonorably discharged from the military. (Note: Adultery is reportedly a crime in the military that can lead to dishonorable discharge.)

After Morris was found dead, the military rounded up King and Brown and then Goodwin (who returned from Afghanistan after Morris's death). The military awaited directions from the police department. The police informed the military that they didn't need anything with the three individuals and they were released. Brown provided a written statement but no investigation into King, Goodwin, or Brown was reportedly performed. They were not questioned by the police, nor was there any investigation into their alibis/whereabouts, nor searches performed of their computers, phones, purchases, communications, etc.

After Morris's death, King was ordered to have no contact with Goodwin. However, King contacted Goodwin over 60 times during the 30 days after Morris's death. The contents of these communications is unknown.

Goodwin later received a life insurance pay-out of \$100,000 for Morris's death.

As I stated previously, the autopsy and scene findings are certainly consistent with suicide. However, homicides can be disguised as suicides. There was a toxic level of diphenhydramine in the decedent's blood which may have induced sleep. There is additionally no financial trail that Morris purchased the diphenhydramine or the charcoal grills. It is my opinion that unless Goodwin, King and Brown are fully investigated, the manner of death in this case should be classified as "Undetermined."

Goodwin had a prior criminal history of misappropriation of government funds and was being forced to pay money to the government monthly. Goodwin had a long-term relationship with King prior to and during his marriage to Morris and stood to benefit financially by marrying a non-military spouse. By marrying Morris, Goodwin received a \$100,000 life insurance policy on his spouse and \$600 to \$700 a month in benefits, which he was hiding and stealing from Morris and that offset the \$550 that was being garnished from his wages. When Morris discovered that Goodwin was taking her benefits, the military ordered Goodwin to pay her. She received her first almost full allotment of funds only several days prior to death. Operating under aliases, King and Brown were contacting Morris a few days prior to her death. One day prior to her death, Morris threatened to expose Goodwin and King's affair which would result in both of them being dishonorably discharged from the military. Additionally, Goodwin stood to gain (and did gain) \$100,000 from Morris's death.

It is my opinion that the lack of any investigation into Goodwin, King, and Brown is a missing piece of the puzzle that, without which, one cannot rule this case a "Suicide," no matter how compelling the scene and autopsy findings may be. It is my opinion that the manner of death in this case should be classified as "Undetermined" until a full investigation into the three individuals is performed.

Sincerely,



Lee Ann Grossberg, M.D.

Parker_FWA_SB1029

Uploaded by: Holness, Toni

Position: FAV

SB 1029 Public Information Act
Personnel and Investigatory Records - Complaints Against Law Enforcement Officers
March 3, 2020

Ms. Janna M. Parker
District 25- Prince George's County Maryland,
msjannamparker@gmail.com

Good Day Elected Officials,

I am a Prince Geprge's county resident and I am in support of this bill with the amendments proposed by the ACLU and others which are the following which would allow the disclosure of:

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

Additionally, I would like for the custodial charge who determines if complaint-record information is disclosable to the complainant or others to be independent of law enforcement agencies and instead be made up of citizens similar to a jury with the same selection process.

Including these amendments strengthens the bill in a manner that appropriately allows for the residents, constituents, and voters of Maryland to be able to interact with the officers in their community that are sworn to protect them. With these amendments, officers that are interacting with the public in a positive and just manner are also protected from false allegations as well. This bill, with the following amendments, is imperative to beginning to heal the community relations between Law enforcement and communities throughout Maryland.

Thank you for your time and consideration in this matter and taking a moment to read my testimony.

Ms. Janna M. Parker

Community Advocate

Scott_FWA_SB1029

Uploaded by: Holness, Toni

Position: FAV



Brandon M. Scott
President
Baltimore City Council

100 Holliday Street, Suite 400 · Baltimore, Maryland 21202
410-396-4804 · Fax: 410-539-0647
e-mail: councilpresident@baltimorecity.gov

SB 1029

March 3, 2020

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: The Honorable Brandon M. Scott, President of the Baltimore City Council

RE: SENATE BILL 1029 – Public Information Act – Personnel and Investigatory Records – Complaints Against Law Enforcement Officers

POSITION: SUPPORT WITH AMENDMENTS

I write to you in **support** of Senate Bill 1029 with the sponsor's amendments. With amendments, this bill will allow the disclosure of disciplinary records pertaining to a formal complaint of misconduct.

During my entire career as a public official, I have been advocating for increased transparency and accountability around police misconduct. This bill, with the sponsor's amendments, is a major step forward for reform. The amendments to this bill are necessary to ensure that true reform is enacted that covers all investigations into police misconduct. It is important to show that we are fully committed to true transparency and accountability.

I strongly believe that the public has a right to know whether their complaints of police misconduct are being adequately investigated by the police department. In addition, making these records available helps facilitate equity and equality, making sure that all communities have their complaints investigated the same way. This transparency allows the public to know that all complaints, regardless of race, gender, disability or socioeconomic status of the complainant are taken seriously and correspondingly, that all officers are held to the same level of accountability.

Unfortunately, in Baltimore City, we have seen time and time again the need for independent police oversight. One frustration that the community has voiced is that when they do report police misconduct, they have no way of determining if an investigation was carried out and what consequence was given to the officer. It is impossible to hold the police to account if the public can never know the results of a misconduct investigation. This bill works to give communities the tools they need to hold police departments accountable. It is critical that communities have real opportunities for oversight, which this bill helps provide.

Here in Baltimore City, our police department is working to rebuild trust with the community. The type of transparency created in this bill is vital to restoring trust between law enforcement and the communities they serve.

As this bill works to ensure transparency, accountability and rebuild trust, I urge you to move for a **favorable** report on Senate Bill 1029 with the sponsor's amendments.

Stoica_FWA_SB1029

Uploaded by: Holness, Toni

Position: FAV

March 3, 2020

Ioana Stoica
5802 Holger Ct, Laurel, MD 20707
ioana.stoica@gmail.com / (240) 643-0059

TESTIMONY IN OPPOSITION, UNLESS AMENDED, TO HB1221
**Public Information Act - Personnel and Investigatory Records - Complaints Against
Law Enforcement Officers**

TO: Chair Clippinger, Vice Chair Atterbearly, members of the Judiciary Committee

FROM: Ioana Stoica

My name is Ioana Stoica and I have been a Maryland resident for most of my life since immigrating to the United States at the age of 11. I have resided in District 21 for the past 4 years. I am writing as a concerned citizen, as a founding member of the Bend the Arc Moral Minyan, and also as a member of Oseh Shalom Synagogue in Laurel, MD. **This testimony is in opposition to HB 1221, unless the bill is amended to provide a greater level of transparency.**

For policing to truly foster public safety, good community relations are essential, and transparency is critical in building the trust that is a foundation for these relations. Without this trust, community members are far less likely to cooperate with police in their investigations, not to mention they may actively fear and avoid police. Undoubtedly, the job of police officers is a challenging and demanding one, and most individuals who go into this profession do so because they want to keep their communities safe. So it is a shame when police misconduct is hidden from the public, because this breeds mistrust of the police force in general, including of officers who are trying to do good work and who are leading by example.

Transparency through public reports of police misconduct would not hurt police – quite the opposite, it would strengthen their legitimacy by holding police accountable and showing that nobody is above the law. Furthermore, it would provide police forces with the possibility for essential community input that could be used to reform policing to truly address the needs of particular neighborhoods. Also critically important, such a law that would make records of investigations into police conduct public would bring at least a small measure of closure to families of victims of police violence or misconduct. Imagine losing a child to violence of any kind, and not being able to find out all the details of what occurred, or to receive an explanation. For the state to compound such loss in such a violating way is unconscionable.

I am an immigrant from a formerly communist country, a place in which the police acted with impunity as an arm of the oppressive totalitarian state. Sometimes in reading the news today about the kinds of actions some police forces in the United States engage in, I have flashbacks to the sort of corruption that was the norm back in my country of origin: individuals dying in police custody in unexplained ways, police hiding documents from the public, officers not being held accountable for actions that would send regular civilians to prison, discrimination against people of color or people without monetary means, and more.

However, I am hopeful, because in the United States we also have mechanisms in place that can be used to challenge this type of corruption that simply were not available to the public in the Romania of my youth. For example, here we have democratically elected bodies like the Maryland General Assembly who have the power to bring meaningful change to policing in our state. So please, do the right thing, for our communities, for the families of victims, and to strengthen our institutions. **I respectfully urge an unfavorable report on HB1221 unless it is amended to allow for public access to all police disciplinary records.**

SURJ_FWA_SB1029

Uploaded by: Holness, Toni

Position: FAV



**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:

Laurel Hoa, PhD
Community Organizer
Showing Up for Racial Justice - Montgomery County, MD (SURJ MoCo)
laurelhoa@gmail.com
301-910-0226

Ward_FWA_SB1029

Uploaded by: Holness, Toni

Position: FAV

Testimony on SB1029

David Ward

106 North Brook Lane, Bethesda, MD, 20814, District 16

Facilitator, Prevent Gun Violence Ministry at

River Road Unitarian Universalist Congregation

202.997.1112

Good afternoon, Senators,

I'm from the gun violence prevention ministry at a church in Bethesda that has studied how police departments across Maryland -- and especially in Baltimore -- put their officers at serious and undue risk every day, because many of the communities they serve can't trust them.

They fear the police. As a result, members of communities in Baltimore, for example, often undermine the police, refusing to share intelligence about crimes in their neighborhoods and leaving officers liable to make uninformed and too often, deadly decisions at the wrong time.

In Baltimore, people see members of their communities insulted, strip-searched and threatened -- and then, when they complain, see only 2.2 percent of their complaints properly investigated, or what the police department calls, "sustained".

Our ministry works directly with members of the McElderry Park community in East Baltimore, including the violence interrupters of Safe Streets and Amazing Grace Evangelical Lutheran Church, to knit back together the communal ties that have drastically reduced homicides in Oakland, Chicago, Philadelphia, and New York.

All of those programs include building trust in the police officers that work in their communities -- through transparency that lets communities know how

their complaints against police were conducted -- whether they were “sustained” by internal investigations, or not.

And that is why I urge you to support SB1029, as long as you amend it to include investigations of both “unsustained” and “sustained” complaints of law enforcement misconduct.

MCASA -PIA_FAV_SB1029

Uploaded by: Jordan, Lisae C

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 1029 **Lisae C. Jordan, Executive Director & Counsel** March 3, 2020

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 1029.

Senate Bill 1029 – Access to Information About Complaints Against Law Enforcement

Law enforcement officers who commit sexual assaults use the authority of their position to coerce consent and intimidate victims. Frequently, the victims in these cases are those who are least able to speak out: sex workers; young people, particularly women of color; informants; domestic violence survivors. The Washington Post, "*How some cops use the badge to commit sex crimes*" by Andrea Ritchie, Jan. 12, 2018, reported:

A 2000 survey of nearly 1,000 New York City youth found that 2 in 5 young women — almost half of whom were black, Latina or Asian — reported sexual harassment by officers. A 2003 national [study of cases](#) reported in the media over more than a decade, conducted by the Police Professionalism Initiative at the University of Nebraska at Omaha, found that 40 percent of reported cases of police sexual misconduct involved teens, often young women involved in youth engagement and job-shadowing programs. ...Research on "police sexual misconduct" — a term used to describe actions from sexual harassment and extortion to forcible rape by officers — overwhelmingly concludes that it is a systemic problem. A 2015 [investigation](#) by the Buffalo News, based on a national review of media reports and court records over a 10-year period, concluded that an officer is accused of an act of sexual misconduct at least every five days. The vast majority of incidents, the report found, involve motorists, young people in job-shadowing programs, students, victims of violence and informants.

Most sexual assault survivors choose not to report what happened to them. Some survivors, however, file complaints with the officer's employer, either in addition to other remedies or as the only action they take. The records of these complaints can shed light on an individual officer's pattern of misconduct or of a department's failure to take the issue seriously. As the law currently stands, secrecy protects the assailants because the investigations and outcomes are considered personnel records. Senate Bill 1029 would change this by making it clear that these records are not personnel records and can be obtained through a public information request if "A SUSTAINED INVESTIGATORY FINDING WAS MADE BY A LAW ENFORCEMENT AGENCY THAT A LAW ENFORCEMENT OFFICER: (I) COMMITTED A SEXUAL ASSAULT INVOLVING A MEMBER OF THE PUBLIC". This is sound public policy that will help shed light on sexual violence and abuse of power.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 1029**

MCPA-MSA_FAV_SB 1029

Uploaded by: Morris, Chief Dave

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief Hank Stawinski, Prince George's County Police Department, President,
Maryland Chiefs of Police Association
Sheriff Jeff Gahler, Harford County Sheriff's Office, President, Maryland
Sheriffs' Association
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 3, 2020

RE: **SB 1029 Public Information Act – Personnel and Investigatory Records –
Complaints Against Law Enforcement Officers**

POSITION: **SUPPORT AS INTRODUCED**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 1029 AS INTRODUCED**. This bill seeks to enhance law enforcement transparency and accountability by providing access to personnel and investigative records relating to complaints involving the discharge of a firearm, use of force resulting in serious bodily injury, and sustained investigatory findings of complaints involving an officer's integrity.

The General Assembly has been grappling with this issue for the past several years. During this past interim, the House Judiciary Committee formed a workgroup to tackle the matter head on. MCPA and MSA were active participants in that discussion and believe SB 1029 will give law enforcement the tool it needs to appropriately respond to incidents and complaints while being more transparent in meeting the interests of the community.

Under current law, all public employees' personnel files and investigative records are not open for public view under the Maryland Public Information Act. SB 1029 is making an exception to this rule for law enforcement in very specific circumstances. This bill will allow the release of an investigative file in situations involving the following complaints:

1. the alleged misconduct involves the discharge of a firearm at a person by a law enforcement officer;
2. the alleged misconduct involves the use of force by a law enforcement officer resulting in death or serious bodily injury; or
3. a sustained investigatory finding was made by a law enforcement agency that a law enforcement officer
 - a. committed a sexual assault involving member of the public;

- b. engaged in dishonesty, committed perjury, made false statements, filed false reports, or destroyed, falsified, or concealed evidence directly relating to the reporting, investigation, or prosecution of a crime; or
- c. engaged in prohibited discrimination directly relating to the reporting, investigation, or prosecution of a crime.

It is important to emphasize that in both complaints involving the discharge of a firearm and use of force resulting in death or serious bodily injury, information pertaining to both sustained and non-or not sustained complaints will be released. Other complaints relating to an officer's integrity as specified above will only be released if they are sustained. This is extremely important as Chiefs and Sheriffs strive to protect the reputation and honor of the men and women who protect our communities every day.

The process outlined in SB 1029 provides for the release of information at the completion of an internal investigation. This is the point in time in which it is determined that an allegation did not occur (unfounded), it did occur but there was no wrongdoing (exonerated), evidence does not indicate there was any wrongdoing (non or not-sustained), or the evidence indicates that an allegation did occur (sustained). Releasing information with any other finding except sustained could damage an officer's career and reputation. Further the secondary dissemination could put the officer and his or her family at risk. It would be very easy for information to be distorted and inaccurate conclusions drawn with ramifications lasting for years.

MCPA and MSA believe SB 1029 represents a reasonable and common-sense approach for providing access to information regarding law enforcement complaints improving transparency and accountability. For these reasons, MCPA and MSA SUPPORT SB 1029 and urge a FAVORABLE Committee report on the bill as introduced.

Jill Carter_SB1029_FAV

Uploaded by: Senator Carter, Senator Carter

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter In Favor of SB1029 - Public
Information Act – Personnel and Investigatory Records – Complaints
Against Law Enforcement Officers Before the Judicial Proceedings
Committee
on March 3, 2020**

Mr. Chair, Mr. Vice Chair, members of the Committee,

I am pleased to present SB 1029. This bill is a long-overdue reform to allow our communities to have basic transparency over police misconduct.

Under current law, if you file a complaint of police misconduct, you cannot find out how the department investigates your complaint. All you can find out is the outcome and the discipline; you cannot find out whether the department conducted a thorough or lackluster investigation of your complaint. This is because the complaint file is considered a ‘personnel record’ under Maryland’s Public Information Act (PIA) and personnel records may never be disclosed.

Your file includes an interlineated copy of the bill with my sponsor amendments.

As amended, SB 1029 removes certain disciplinary files from the personnel record category, thereby allowing (though not mandating) police departments to disclose information to our communities. As

amended, SB 1029 would allow (not mandate) disclosure of disciplinary records 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.

Transparency is necessary to begin rebuilding trust, which is essential for effective policing and public safety.

As such, I urge this committee to give a favorable report on SB1029. Thank you.

Very Truly Yours,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style with a blue color.

Jill P. Carter

MDDC_FWA_SB 1029

Uploaded by: Snyder, Rebecca

Position: FAV



Maryland | Delaware | DC Press Association

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | rsnyder@mddcpres.com

www.mddcpres.com

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

MDDC PRESS
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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.

Jeff Harrison_FWA_SB1029

Uploaded by: Harrison, Jeff

Position: FWA

Jeffrey A. Harrison

Date: March 3, 2020

Position: **Support With Amendments**

Contact: Senators Carter and Smith

Bill Number: **SB 1029**

Senate Committee: Judicial Proceedings

Bill Title: Public Information Act

- Personnel and Investigatory Records - Complaints Against Law Enforcement Officers

Dear Committee Chair Smith, Committee Vice-Chair Waldstreicher, and Committee Members:

Maryland residents and visitors who file a complaint against law-enforcement officers deserve to learn not only that their complaint was investigated and that there was a final outcome in the investigation, but also what the investigation consisted of. Currently in Maryland, the complaint-investigation files are categorized as confidential personnel records. Therefore, complainants and their families currently are unable to get justice and closure in the wake of traumatic interactions with law-enforcement officers. Trauma stays with families for a lifetime. Distrust of law-enforcement agencies continues, because of the lack of accountability and the lack of transparency across Maryland.

Based on statistics from Baltimore City and Prince George's County police departments, only a minority of complaint investigations result in a finding that the allegation is Sustained.

SB1029, **as introduced**, is an illusion. The introduced language only allows disclosure of complaint investigation records in relatively few cases:

1. Cases, regardless of the investigatory finding, for:
 - a. Discharge of a firearm at a person by an officer; and
 - b. Use of force resulting in death or serious bodily injury.
2. Only **sustained** investigatory findings of:
 - a. Sexual assault against a member of the public;
 - b. Dishonesty, perjury, false statements, false reports, destroyed, falsified or concealed evidence directly related to the reporting, investigation, or prosecution of a crime; and
 - c. Prohibited discrimination directly related to the reporting, investigation, or prosecution of a crime.

We need more complaint-case-record information to be categorized as releasable information.

Please **adopt sponsor's amendments** which would allow the disclosure of complaint records from all of these cases:

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

If the amended bill becomes law, I hope that complainants and other relevant people will be able to get the complaint investigation-record information that they deserve to see, without any new roadblocks. Maryland needs this transparency.

For those reasons, please vote to **amend SB1029**, and send a report of **Favorable With Amendments**. Thank you.

Jeffrey A. Harrison, 6835 Damsel Ct, Greenbelt MD 20770, Jeff6836@gmail.com
(a member of Greenbelt People Power and of Community Justice Coalition)

SSJusticeCoalition_FWA_SB1029

Uploaded by: Ponder, Carlean

Position: FWA



**Testimony Supporting with Amendments:
SB 1029 Public Information Act - Personnel and Investigatory Records - Complaints
Against Law Enforcement Officers**

On June 11, 2018, a Montgomery County police officer accosted, pursued, and then shot and killed Robert W. White, an unarmed Black man strolling in his own neighborhood. Silver Spring Justice Coalition began as a community response to Mr. White's needless death and to the department's conclusion that the officer's actions were lawful and justified.

In August 2018, dozens of community members and neighbors of Mr. White convened at a forum with then police chief, Thomas Manger, and sought answers to the shooting. We received few answers.

Delegate Jheanelle Wilkins (D-20) said she keeps coming back to one thing:¹ "We have someone, who was a neighbor, who was a constituent, Robert White, he was walking in his neighborhood, like he does often, and now he is dead," she said.

Community members raised questions about the history of the officer who killed White; in particular, whether the officer has shot other people as part of his job, and whether the officer has received complaints of excessive force or racial profiling. This information, while valuable to the safety of community members, is barred from public access due to current limitations in the Maryland Public Information Act, which places this information behind a shield of 'personnel records.'

Studies have found that a small number of officers within a department, amass the majority of complaints. A Chicago Tribune report evaluated police complaint data filed between 1967 and 2014 against some 25,000 different Chicago police officers.² More than 100 complaints involved seven officers, and another 62 officers received at least 70 complaints. Community interest in making this information public in Maryland is twofold:

1. Transparency; ensuring that officers with a history of excessive force are not allowed to infringe upon the safety of a community.

¹ <https://bethesdamagazine.com/bethesda-beat/police-fire/officials-face-questions-at-public-meeting-about-robert-white-shooting/>

² <https://www.chicagotribune.com/investigations/ct-chicago-police-complaints-met-20161013-story.html>

2. Accountability; empowering the community to hold its elected officials and police chief responsible for wise officer hiring, promotion, and retention decisions.

Accordingly, the Silver Spring Justice Coalition Supports this bill with the following amendments, which allow for disclosure, 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.

The Silver Spring Justice Coalition is an advocacy group of individual residents, faith-based and grassroots organizations, congregations, and local chapters of national organizations working to stop police violence and abuse in Montgomery County and Maryland through legislative, policy, and public education initiatives.

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Patrick Moran - President

SB 1029 - Public Information Act - Personnel and Investigatory Records - Complaints Against Law Enforcement Officers Opposed

The Maryland Public Information Act currently prohibits the disclosure of personnel records of public employees, including records of law enforcement misconduct proceedings.

Why?

- Records of such proceedings are liberally constructed – i.e. much information is put in as a matter of course, for a full understanding of the facts, and under the assumption that the record is/was protected from disclosure to the public. As a result, records routinely contain identity information such as social security numbers and birth dates, health information related to employment, information about family members, and other sensitive information, not appropriate for public disclosure.
- As to disciplinary matters, including for misconduct, public employers are expected to mete out discipline to civil service employees, including law enforcement, fairly and objectively based on the record facts. Discipline should not be meted out to satisfy a third party's interest or view of a record.

Why oppose SB 1029?

The bill does not include sufficient safeguards:

- The bill does not only allow for the release of records developed after October 1, 2020, but would allow for the release of all past records.
 - As noted above, past records were liberally constructed because there was no expectation that they would be released publicly. The result is that records are replete with identity information, and all manner of personal, health, and generally confidential information. The bill does not protect any of that information from disclosure.
 - SB 1029 would allow information about current and former employees from anytime – a year ago, ten years ago, twenty years ago, to be released.
 - SB 1029 would release information that neither the employee nor management ever expected would be released.
 - SB 1029 would release information without notice to the employee or former employee.
 - SB 1029 would release information without the benefit of review and redaction.
- As a result the bill would endanger law enforcement personnel, as bad actors could request and receive records with the intention of mining the records for home addresses, children's names, embarrassing information, health information, and other material an employees has every right to expect would be held confidential.

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