



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1221 **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 Judiciary Committee to report favorably on House Bill 1221.

House Bill 1221 – 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. House Bill 1221 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
Judiciary Committee to
report favorably on House Bill 1221**