

SB 178_FAV_PJC .pdf

Uploaded by: Amanuel, Yanet

Position: FAV



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SB 178

Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law) Hearing before the Senate Judicial Proceedings Committee, January 21, 2021 Position: SUPPORT

The Public Justice Center (PJC) supports Anton’s Law as a critical component of police accountability, transparency, and reform that is long overdue. The Maryland Public Information Act (MPIA) already allows the disclosure of investigatory records of law enforcement agencies, including the Attorney General, State’s Attorneys, the judiciary, corrections, and police departments. Why should police disciplinary records continue to be automatically excluded from this discretionary disclosure that includes safeguards for ongoing investigations, privacy, safety, and government security?

True police reform, the need for which can no longer be denied, cannot be accomplished without public access to records of individual complaints, patterns of misconduct, and integrity of investigations. The issue is not just whether or not an officer was appropriately disciplined. We must also be able to determine whether departments take all complaints seriously, conduct appropriate investigations, and apply the same standards to all officers and complainants. If police departments are doing their jobs, they have nothing to hide.

The Maryland Coalition for Justice and Police Accountability has sought legal access to police disciplinary records through reform of the MPIA for more than five years, during which time the need for such transparency and accountability in policing has only been demonstrated to be more and more critical. During these years in which the over-policing of Black and brown communities and the unjustified killings of countless individuals in Maryland and across the nation have been exposed by heinous example after horrid tragedy, the police have shown again and again that they are still unable to police themselves. Without reforms like Anton’s Law, there can be no restoration of trust and cooperation between the public and those sworn to protect and defend.

The PJC is a non-profit legal advocacy organization dedicated to racial equity and ending poverty. Its Prisoners Rights Project seeks basic justice through reform in our criminal justice system and an end to all unnecessary detention and incarceration.

The PJC urges a FAVORABLE REPORT on SB 178. If you have any questions, please feel free to contact Debra Gardner, Legal Director, at gardnerd@publicjustice.org or 410 625 9409 ext 228.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

SB 178_FAV_ACLUMD_Amanuel.pdf

Uploaded by: Amanuel, Yanet

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
January 21, 2021**

YANET AMANUEL
PUBLIC POLICY ADVOCATE

**SB 178 Public Information Act - Personnel Records- Investigations of
Law Enforcement Officers (Anton's Law)**

Favorable

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The ACLU of Maryland supports SB 178, 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.

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 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.

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 b*tch.” The woman’s complaint went uninvestigated for so 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.

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).

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

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 178.

SB 178_FAV_GretaWillis.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

SB 178- Favorable

Dear Chairman, Vice Chair and Members of the Committee:

My name is Greta Willis, mother of Kevin L. Cooper. I am also a volunteer with Moms Demand Action for Gun Sense in America and the co-founder of the Kevin L. Cooper Foundation created in my son's name.

On Saturday, August 12th, 2006, my 15-year-old son was shot and killed by an inexperienced Baltimore City police officer with one year on the force. My son was experiencing a mental health crisis. I called the police seeking help for Kevin. Instead of receiving help, Kevin, while holding a plastic dustpan, was maced and shot in my home in front of me as I was holding my 10-month-old granddaughter. Two officers initially responded but one officer left stating "the call was abated", meaning it was over. The other officer stayed and antagonized Kevin, then shot and killed him. Think: If the officer was in danger, why did his partner leave him, a rookie, on the scene alone?

That one officer became the judge, the jury, and executioner of Kevin's life. There were no criminal charges placed against the officer. During the hearing, my family was offered \$10,000 to settle the case. We refused. There is no police accountability in the Baltimore City Police Department, even now. If the department would have investigated our case a little further instead of covering up and declaring on the same day of the shooting that it was a justifiable homicide... Please explain to me: How can you justify a homicide that just occurred at 9:30 a.m. that same day? Impossible. Why? Where is the investigation? Where is the transparency? And, where is accountability?

I urge you all to make police accountability your number one priority to save the lives of our children. Police violence is gun violence. And, we cannot end gun violence without addressing the crisis.

Thank you for your time and I urge the committee to vote and make changes. We need police reform and accountability now. Thank you very much and have a wonderful day.

Greta Willis
333 Font Hill Ave
Baltimore, MD 21223

SB0178_FAV_EScott.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

FROM THE COMMUNITY MEMBER

Anne Arundel County, MD

January 18, 2021

Erica Scott (Property-Owner)
465 Mainview Ct.
Glen Burnie, MD 21061

Dear Senate Judicial Committee and Legislators,

In July of 2015, Two Anne Arundel County Police Officers, Officer Ferris and Bilter responded to a call at my residence, while my teenage daughters were home, over the age of 15 years old; however younger than 19 years of age. I was not home at the time. Officer Ferris and Bilter was able to speak with me due to my daughter calling me and allowing them to use her phone. During our conversation, Officer Ferris and I agreed that I would speak with my daughters when I returned home. Both officers later spoke with their supervisor and completed their report, which omitted information that was significant to the call and the resolution of the call, as well as mis-categorized; and misinformed officials during a hearing. Once I became aware of the report that both officers had written, between 1 to 2 years later, I was not able to effectively appeal the report or its content that had a significant impact on the lives of my children.

Following the latter, I filed a complaint with their supervisor, Sargent Charles Benner. Sgt. Benner spoke with the officers, and stated that he was not able to do anything else further than speaking with the officers, and that my child was afforded the opportunity not to be charged. Thereafter, I filed an Internal Affairs complaint. During the departmental Internal Affairs investigation, I was not privy to who was interviewed in the department, what their statements were about; how many people were interviewed; nor if there were any priors from any of the officers. Recently, I was informed by the Anne Arundel County Police Department, that they revisited the IA investigation and found that all interviewees had the same story; however, they could not answer how significant information was omitted on a police report, yet the Officers expressed this information to their superiors, which contradicts the current report on file today.

I support the reform of the Public Information Act/ SB0178.

Erica Scott

SB178_FAV_Hopkins.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

SB 178 Anton's Law MPIA – Maryland Public Information Act (Reform) – Favorable

January 18, 2021

My name is Marion Gray-Hopkins. Thank you for the opportunity to submit my written testimony for SB 178. I am a lifelong resident of Maryland, a registered voter, President of Coalition of Concerned Mothers, an organization of grieving mothers, many who have loss children to police terrorism. I am also a member of the Prince Georges County Peoples Coalition for Justice, member of Maryland Coalition for Justice and Police Accountability, board member of ACLU Maryland and a supporter of many other local and national ally organizations who are fighting for police reform. My son, Gary Hopkins, Jr. at the young age of 19 was a casualty of police terrorism, more than 21 years ago on November 27, 1999. The fight for justice, accountability and transparency has been a long time fight and journey for me and so many others. Police misconduct has been an issue in Maryland for decades and continues to plague communities across this country with little to no accountability or transparency. We have lost trust in law enforcement and a way to bridge the gap and begin rebuilding the relationship in the communities they serve is to be transparent. Police departments are paid by our tax dollars and because of that the complainant and the community should be given full disclosure when complaints are made (all aspects of the investigation). Even more concerning is 90% of complaints made against officers by the public are not sustained. We are not asking for personnel info. What we are asking for and should know is that our complaints are being handled equitably and fairly for ALL people; that appropriate actions are being taken based on the complexity/seriousness of the complaint.

If there is nothing to hide and complaints are being handled properly, why not share the information. It will help with identifying “the few bad apples” while restoring community trust.

We MUST apply greater focus on the issue of police terrorism and legislation such as Anton’s Law SB 178 is a step in the right direction. As a mother, grandmother, law abiding US citizen, and a voice for many mothers, we are tired of losing our children to excessive use of force, many of which result in unjustifiable homicides, being harassed, racially profiled, brutalized, and disrespected by those who are paid and sworn to protect and serve the community. What we are seeing is law enforcement being protected by laws that unfortunately don’t protect us, the tax payers. This is not a fair and just practice and therefore I ask that you do the right thing and vote favorable in support of Anton’s Law SB 178.

Thank you!

SB178_FAV_Morris.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

SB 178- FAVORABLE

My name is Rev. Marguerite Morris and I am one of your constituents. I am also the founder of For Kathy's Sake, Community Actively Seeking Transparency (C.A.S.T.), and the mother of a deceased young woman named Katherine Sarah Morris. I have been in an eight year legal battle with police calling for greater transparency and accountability in matters related to her death.

While I support all five of the ACLU's policing priorities, this testimony is provided in support of SB178/HB120, Anton's law calling for MPIA Reform which can make possible police accountability. Without MPIA reform, police reform is impossible.

On this past week, I sat at a screen from a remote location, and witnessed the sentencing hearing of the killer of a young African American college student named Lt. Richard W. Collins III. A scene all too familiar. That of watching parents emotionally stretched to the edge, after already having suffered way too much. They'd suffered not only the loss of their child, but through the painful limbo of not knowing if the person, that played a part in having caused the death, or harm to their loved one, would be held accountable. Every time a victim, or survivors of a victim see someone that harmed them keep moving through society without being held accountable, it re-victimizes them.

So many things about Anton's dying, for his family and friends are still painfully vivid and their suffering, is the same. As a parent that has buried a child I personally think there is no greater pain. That is why it is imperative that we allow impacted persons the comfort and dignity of knowing that their suffering or death was not in vain. With that being said, can we take the unjust and horrific circumstances around Anton's dying and champion it into a law that would help others? That through his death help for countless others would rise. Can his memory live on in the pages of history, by being used to champion the effectiveness, of making transparent the potential pattern of an abuser? The behavior of a person hired to protect, but who uses his employment as a tool of abuse should be exposed through a public record. We do it every day in our judicial systems to others.

Why do we add insult to injury, by allowing for the continued operation of a broken system in which, the complainant, the person who actually filed the complaint, with internal affairs, who gave them the details, who gave them the evidence, who gave them the name of the alleged perpetrator, causing an investigation to be initiated for which, the results and process are immediate classified as a secret to be kept from the complainant. How frustrating is that for a victim or their family?

Why does America have a double standard that has served to disproportionately harm thousands when there are cases upon cases where officers have knowingly engaged in flagrant misconduct? Why is it that some of them are knowingly and repeatedly engaged in criminal conduct? And even when charges or complaints are lodged, they have resulted in an over 90% rate of being un-sustained. Why do we allow that?

We must stop continuing to empower abusers to abuse. Police, policing themselves continue to give rise to conflicts of interest that have become a barrier to oversight in my own county. We as a Nation must rise up and do better. I charge you that as this country continues to cry out for justice for the unjust killing, or beating, or knee necking of our children, that you rise to the occasion and allow this bill to go forward and be enacted into law. In closing, I say thank you for your leadership and willingness to make this needed change to the MPIA by amending it to make it clear, that records of internal investigations will be treated like every other police record about each, and every one of us.

SB178_FAV_Sheppard.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

Jan 18, 2020
Eugene Sheppard
SB 178- FAVORABLE

When asked to speak on my experience my dilemma was deciding which instance of police brutality/misconduct I should write about?"

Should I:

-write about the time I was beaten while hand-cuffed? I asked the officer while getting punched and hit with batons, "Why are you doing this to me?" His response was, "Because I hate you!"

-write about the time I was detained while working security because a woman was robbed and I fit the description? It didn't matter that my parking lot guardhouse was 10 feet away and I was playing with a tennis ball while on the phone. I was only released when my supervisor vouched for me. I was told they will let me slide, but I need to have more respect for the police.

-write about the time I was pulled over for eating an orange? My brother who was driving asked the officer why we got pulled over. The officer motioned towards me and explained that he saw me rolling up (he imitates rolling marijuana with his hands). Confused for a moment, I then realized that I just peeled an orange. He argued that he saw what he saw but cautiously let us go with a warning and stern advice to respect the police.

-write about the time I was accused at Whole Foods of stealing a quesadilla and a Honest green tea. \$5 worth of food. I asked the officer for assistance as the Whole Food security had taken my food. I gave him my receipt, he then proceeded to issue me a restraining order and arrested me. He tightened the cuffs to the point that it caused nerve damage. He then refused to return my receipt, but he was unaware that I already had taken a photo of it. He didn't appear at the trial.

In all of these instances of harassment and assault, no one was held accountable and all that I got was the burden of proving my innocence and PTSD.

I support Anton's Law.

I support an independent review of cases of misconduct.

I support the repeal of The Law Enforcement Bill of Rights

I support reform of the Public Information Act to allow disclosure of police complaints and investigations.

With an influx of indisputable information highlighting the targeted intimidation, falsified arrest, brutality and fatalities, we can all agree that we do not want these crimes to continue. To achieve this goal we must initiate new ideas into practice. The success of all of these ideas must acknowledge the necessity to determine and define measures to promote accountability. Accountability strengthens communities and strong communities are safer places to live.

And that's all we want to do. Live.

Eugene Sheppard
Frederick, MD

SB 178 - Public Information Act - Personnel Record

Uploaded by: Antoine, Joanne

Position: FAV

January 21, 2021

**Testimony on SB 178
Public Information Act - Personnel Records - Investigations of Law Enforcement Officers
(Anton's Law)
Judicial Proceedings**

Position: Favorable

Common Cause Maryland is in support of SB 178 which would remove complaint files of police misconduct from the personnel record category under the Public Information Act (PIA), allowing for the disclosure of records covering the investigations of these complaints.

The PIA is an essential tool for public oversight of our state, county, and local governments. It allows Marylanders greater transparency into the workings of our officials, gives us access to data collected with public dollars, and helps ensure a level of transparency vital to a healthy democracy.

The foundation of the PIA is the presumption of disclosure. Unless a disclosure is explicitly disallowed by law, a custodian of public information must disclose that information to any person who requests it. Currently, disclosure of information on how or if complaints of police misconduct are investigated is disallowed because these records are categorized as personnel records which is exempt under the PIA.

SB 178 seeks to address this lack of transparency by removing records of investigations into complaints of police misconduct from under the personnel records category to allow for disclosure under the PIA, while still providing custodians with some discretion to withhold these records in certain instances.

As a state, we must work to repair the relationship between police and residents which is so incredibly strained. SB 178 is a step in that direction – helping to ensure public awareness over issues that are occurring in Maryland communities. This increased transparency will provide an additional and vital layer of accountability to police actions in the state which will help to foster trust with Marylanders.

We urge a favorable report.

Chris Apple SB0178 Testimony.pdf

Uploaded by: Apple, Christopher

Position: FAV

Chris Apple
7001 Cradlerock Farm Court
Columbia, MD 21045
District 13

TESTIMONY IN SUPPORT OF Bill SB0178, Public Information Act - Personnel Records -
Investigations of Law Enforcement Officers (Anton's Law)

Jan 21, 2021

TO: Chair Smith and members of the Senate Judicial Proceedings Committee

FROM: Chris Apple

I am Chris Apple, I live in Columbia in District 13. This testimony is in support of Bill SB0178.

Police misconduct is an extremely serious accusation, suggesting that one of Maryland's public servants has violated their oath and caused harm to the public they are supposed to serve. Those accusations ought to be investigated with as much transparency as possible, so the public can observe and verify that the police department has upheld its duty to serve and protect. However, these investigation records are considered confidential personnel records, and many of them are never released to the public at all.

When a Marylander files a complaint of police misconduct, they cannot find out how the police investigate that complaint, or whether all due diligence was observed. Anton Black's family discovered this when Anton died at the hands of officers who used excessive force on him. His family pleaded with the police department for months for information, but the police did not release any. Governor Hogan finally got involved in tracking down the records, and he discovered the police had a long record of misconduct on these officers, and even body camera footage of Black's death which they were trying not to release.

I don't want Maryland to be a place where a family has to suffer like Anton Black's family did. No police department in Maryland should have the ability to withhold information about the misconduct of its officers. There should be a clear policy in place where this information is promptly released. The public deserves to know when an officer has violated his Oath to serve and protect. As the ACLU of Maryland said, "access to information from our government actors is the lifeblood of our democracy."

I respectfully urge you to support SB0178, to ensure all officers uphold their oaths, and to end the conflict of interest created by these protected records.

SB0178-FAV-DTMG-1-21-21.pdf

Uploaded by: Bartlett, Olivia

Position: FAV



Olivia Bartlett, Co-Lead, DoTheMostGood Maryland Team

Committee: Judicial Proceedings

Testimony on: SB0178 - Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

Position: Favorable

Hearing Date: January 21, 2021

Bill Contact: Senator Jill P. Carter

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2000 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Potomac east to Silver Spring and Olney. DTMG supports legislation and activities that promote positive and trusting relationships between communities and law enforcement, and fair and equal policing for all communities.

DTMG strongly supports SB0178 because we believe increased transparency and accountability are important steps toward improving relationships between law enforcement and communities, especially communities of color.

The tragic death of Anton Black is one on a long and growing list where transparency and accountability could have prevented a police officer with a violent history from being on duty. Officer Thomas Webster IV had 29 “use of force” reports and 7 early warning reports, which signal when an officer may be having trouble on the job, in his record during his 10-year career as an officer in Dover, DE, prior to being hired by the Greensboro Police Department. He was the lead officer involved in actions that led to the death of Anton Black.

Webster’s application for certification with the Maryland Police and Correctional Training Commission (MPCTC) included his acquittal from charges of an assault on an unarmed black man during an attempted arrest while working for Dover police. But, according to the Commission, his application did not include potentially disqualifying information of the 29 “use of force” reports. Had Webster’s full record been shared with the MPCTC, perhaps he would not have been certified to be an officer in the Greensboro Police Department and Anton Black would be alive today. No one can know for sure. But, what is known is that, when unchecked or disciplined, violent and abusive police behavior terrorizes communities and undermines public trust.

The deaths of community members, especially Black and Brown persons, while in police custody or as a result of violent, abusive acts by police officers, stain the reputations of those that wear the uniform with a genuine desire to meet a standard of integrity and to honor the law and community.

Allowing access to records relating to an administrative or criminal investigation of misconduct by a law enforcement officer and to how complaints are investigated by police departments will start to bridge the gap of trust between law enforcement and communities. Transparency in how complaints are investigated will allow for independent oversight, helping to ensure that cases are handled thoroughly, with integrity, and in a timely manner.

As long as police disciplinary records are considered confidential and withheld from public view, problem individuals can work as police officers, and endless instances of police abuse and violence will continue unabated.

Reforming Maryland's Public Information Act with passage and implementation of SB0178 and the House companion bill, HB0120, can end police disciplinary secrecy. It is one of several steps forward that are needed to rein in police misconduct and abuse. When authority is held accountable, seeds of trust have a better chance of growing.

For all of the reasons mentioned above, DTMG strongly supports SB0178 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

Olivia Bartlett
Co-lead, DoTheMostGood Maryland Team
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240-751-5599

YPP MPIA.SB178 Testimony 1_2021(1).pdf

Uploaded by: Blocker, Danielle

Position: FAV



Testimony for the Judicial Proceedings Committee January 21, 2021 SB 178 – Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law)

SUPPORT

Young People for Progress (YPP) is a member-based civic and social justice organization of youth and young adults under 35 years old in Montgomery County. We strongly support SB 178 Anton’s Law to reform the Maryland Public Information Act (MPIA) because it is a critical step in increasing police transparency and accountability and restoring some level of public trust in police.

Many young people in Montgomery County and many members of YPP continue to have negative and harmful interactions with police. In fact, on any given month youth and young adults aged 18 to 34 comprise about 20 percent of the Montgomery County population, but 60 percent of the arrests. This is a rate three times higher than their share of the population and higher than every other age demographic. The numbers don’t show the high rate of negative youth and young adult- police interactions that do not result in arrest and are never counted. Nonetheless, it is clear that youth and young adults are among the groups most harmed by police policing problems and a pervasive lack of trust in police.

Over the past year, as we have been collecting residents’, especially youth, accounts of negative interactions with police, we have been faced with the reality that many of these interactions are drastically underreported. There is an overwhelming sense that nothing will be done with complaints, that they will not be seriously investigated, and that police officers will stay on the force regardless of misconduct. In instances that include but are not limited to profiling, assault, sexual harassment of minors, and use of racial slurs---many youth do not even tell their parents or friends because they fear any reporting of misconduct will be futile and could possibly make them greater targets.

The MPIA, as currently written, makes this problem worse because even when residents muster the tremendous courage to make a complaint, they have little access to information about the investigation of their complaint. Furthermore, the public cannot hold police departments accountable because it cannot see which officers have histories of misconduct and which do not. Why encourage youth to report misconduct when there is no assurance that anything will be done? Why tell people to trust police departments when there is no transparency on whether officers with histories of misconduct are promoted within the ranks?

Earlier this month, a 24 year old, Kwamena Ocran, was killed by four plain clothed police officers in Gaithersburg. Today, the public still does not have access to the histories of those officers. We cannot have trust in police or our elected officials if we do not have transparency when our communities are harmed or killed by police. For these reasons, Young People for Progress strongly supports the passage of SB 178.

Danielle Blocker
Executive Director, Young People for Progress

SB0178 – Public Information Act .pdf

Uploaded by: Bock-Singleton, Natasza

Position: FAV

January 19, 2021

Testimony in Support of SB0178 – Public Information Act – Personnel Records – Investigations of Law Enforcement Officers

Honorable Members of the Judicial Proceedings Committee:

I submit this testimony in support of SB0178 as a youth group leader, mediator, former community leader, and a longtime Baltimore City resident. In my professional career, I spent over 20 years in the health insurance industry focusing on privacy requirements, among other topics. During my 20 years of advocating on behalf of Baltimore City residents, particularly youth, I have seen a concerning disintegration of discipline and ethics within law enforcement aided by misunderstanding of privacy and confidentiality rights.

In the current environment, many law enforcement officers have been proven to demonstrate patterns of abuse of authority. The current law treats internal investigations of law enforcement officers as privileged personnel records. In some cases, such as those related to health issues, overall performance evaluations, or salary keeping information private from third parties is understandable. In the case of complaints, particularly repeat complaints, keeping these records privileged enables officers who demonstrate a pattern of abuse of the law to continue that abuse.

In 2018 complaints were filed against a Baltimore City police officer alleging harassment. By 2020, despite inaction by the Baltimore City Internal Affairs investigator, 11 victims of the same officer were identified. If the initial investigators or Civilian Review Board had access to the officer's personnel file with complaint information the pattern of abuse would have been apparent, and further harm prevented. Instead the current law enabled continued abuse of additional victims.

When the state allows one individual to commit an act of harm against another it is a tragedy. When the state refusing to amend laws that systemically allow a category of individuals to repeatedly commit acts of harm against vulnerable victims it is more than a tragedy, it is a travesty of the legislative system.

I strongly urge you to support SB0178, at the very least make unsustained complaints available to investigators, including the Civilian Review Board, to highlight patterns of abuse within law enforcement.

Respectfully submitted,

Natasza Bock-Singleton,

President and Founder, Bloom and Grow!

HB0120-SB0178-Antons Law.pdf

Uploaded by: Britt, Adiena

Position: FAV

HB0120 Cross-filed as SB0178 Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law)

Stance: Support

Testimony: My name is Adiena C. Britt from the 45th Legislative District in Baltimore City. I am writing to offer my full support for the passage of HB0120 through the House, as well as cross filed SB0178 in the Senate. I would like for this to pass through readers and be voted on by the full House and Senate and enacted into Law. My reading of this is that it amounts to amendments being created on the current MD Public Information Act. These amendments would allow for there to be greater transparency that is always being promised, but not delivered, by our various elected officials. Currently, civilian complaints of misconduct are considered part of an officer's "personnel record" in order to shield it from public scrutiny. It is nearly impossible to ascertain the depth of any given officer's misconduct and complaints against them in order for any true disciplinary action to take place. Many times, it's through community contact of abuse victims that the "dots are connected" and an officer's true nature can be gauged.

There are police officers in numbers, at the very least, in large double digits, who should be considered "criminal repeat offenders". These officers are not only currently still on the police force, but receiving promotions to higher ranks and are costing Baltimore City gigantic sums of money yearly in civil case payouts. I am positive the same could be said of other jurisdictions, especially Montgomery and Prince George’s counties who have similar issues as Baltimore City. The MPIA goes way beyond what any other person could expect as far as protections from their employer goes. Any other profession does not have the same privilege to accept and receive the same protections from misconduct accusations. This is in addition to the protections received by Law Enforcement via the LEOBR. This is one of two huge obstacles that are placed in front of civilians that suffer abuse at the hands of law enforcement officers, and it's time to change that. Knock down these walls! Pass this Legislation.

These amendments to the MPIA are necessary for every citizen of our fine state to be able to trust that justice will be served in any and all cases of misconduct; no matter what your profession happens to be. It is appalling that a profession that yields so much power and authority should be protected in such a way that there is no legal recourse but to sue the municipality that the officer works in. The MPIA requires amending in such a way, that there can be a fair and just way for citizens to be able to hold the "bad apples" accountable should they abuse the power they are afforded. There is no shortage of cases in every jurisdiction and I believe that if citizens of Maryland were able to get proper recourse, there would be less civil cases filed, and less money paid out for misconduct cases.

People only wish to see justice. Justice served out to the Police Officers like it is to every other citizen who commits a crime. There should be a means to properly investigate without vital information being withheld under the false notions that the information is protected somehow as a personnel matter, which is never fully handled by these departments, internal affairs, nor the State’s Attorney’s Offices. Please do the proper thing and allow this Bill to pass forward to a vote before the Full Senate and House of Delegates. Thank you.

Adiena C. Britt

6014 Old Harford Rd. Baltimore, MD 21214

SB178.pdf

Uploaded by: Cantori, Renee

Position: FAV

I support SB0178 Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law) - Senator Carter - Judicial Proceedings Committee.

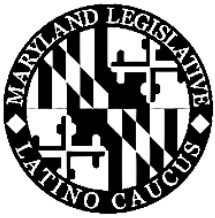
That the public cannot view or have access to records relating to an administrative or criminal investigation of misconduct by a law enforcement officer does not do much to engender trust nor does it protect the public. Not now, not ever. Transparency is needed, not just to weed out problem officers, but to regain the community's trust. And to assist in pursuing action should there be any issues with an officer. This provides protection to the public. Isn't that what the police force is for, to provide protection for the public? Pls pass SB178 so the public can have access to these records.

Respectfully,
Renee Cantori
Annapolis, MD

SB178_LatinoCaucus_FAV.pdf

Uploaded by: Caucus, MD Latino

Position: FAV



MARYLAND LEGISLATIVE LATINO CAUCUS

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WILL SMITH

TO: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: January 21, 2021

RE: SB178 Public Information Act – Personnel Records –
Investigations of Law Enforcement Officers (Anton’s Law)

The MLLC supports SB178 Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law).

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB178.

Police misconduct is an issue that we see happening too often in our daily lives, seeing it on the news, hearing a story from a friend, or even witnessing it ourselves. Police misconduct can be excessive, even deadly, and just watching it occur again and again is unacceptable. Issues of policing impact everyone in Maryland, but disproportionately harm minority populations. Black and Brown communities tend to be the most terrorized by abusive law enforcement officers. Many of the harmful police officers have a pattern of violent or offensive behavior, yet little to no action can be taken because of the lack of transparency and accountability.

19-year-old, Anton Black became a victim of misconduct when the officer involved in his death, Thomas Webster IV, had a dangerous past that no one accessed because of current Maryland Public Information Act (MPIA) laws. It was later discovered that Mr. Webster had multiple accusations of brutality and excessive use of force complaints against him from his previous place of employment, a Delaware police department. Access to these records is a means for accountability and transparency that enables proper vetting of our law enforcement.

SB178 requires records related to a formal complaint of job-related misconduct made against a police officer not personnel records. By making these records public, this bill emphasizes an increase in transparency while prioritizing a more equitable way to expose prior allegations of wrongdoing of an officer. All our communities in Maryland should be able to trust police officers and have quality law enforcement. It is time to take appropriate action to achieve accountability and trust.

The MLLC supports this bill and urges a favorable report on SB178.

Testimony In Support of SB 178 HB 120 Transparency

Uploaded by: Ceruolo, Rich

Position: FAV

January 19, 2021

RE: SB 178
Maryland Senate / Miller Senate Office Building
11 Bladen Street
Annapolis, MD. 21401
Attn: Judicial Proceedings

Support for SB 178 – Public Information Act – Personnel Records – Investigations of Law Enforcement Officers.

Good day members.

I am writing to you today to support of increasing transparency in government through the use of the Public Information Act.

Our police officers are public servants to all of us, and they are in service to the law that they swear to uphold. Recent cases of abuses within police departments have given many of us reason to pause and reconsider the level of transparency around law enforcement policies, procedures and officer training.

As part of their roles as officers of the law, there is also laws in place that protect the citizenry from abuses of the system by the members of law enforcement. A greater level of transparency should be part of this process under the Maryland's Public Information Act laws.

I support greater levels of transparency under Maryland's Public Information Act. The phrase, we can't fix it unless we know it is broken no longer applies. We know that the system is broken. Citizens should be able to request, and be granted access to records associated with investigations, and administrative review processes of officer actions deemed worthy of investigation, by the checks and balances in a law enforcement agency's chain of command. As well as by a duly appointed civilian authority.

As citizens, this is how we enact change into the policing of our communities. We want better police procedures and transparency, we want better trained police officers, and we want safer communities. By working together with our police departments, we can make the system of community policing better and safer for all. This change is one step in the right direction of greater transparency and accountability to one's community which our officers have sworn to protect.

We hope that we can count of the members support for these changes to the Public Information Act and police policies.

Please vote in favor of SB 178.

Thank you for your considering my testimony today.
Mr. Richard Ceruolo

testimony.SB178.pdf

Uploaded by: Chaudry, Zainab

Position: FAV



January 17, 2021

Honorable Senator William Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2E
Annapolis, MD 21401

Re: Testimony in SUPPORT of SB178 Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

Dear Chair Smith and Senate Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 178 entitled **Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)**. CAIR is America's largest Muslim civil rights and advocacy organization. Its mission is to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims.

In an era when public trust in law enforcement is a challenge, Maryland needs statewide standards for transparency regarding deaths that occur in police custody. This issue affects every community. Law enforcement officers have incredible power, and that power carries tremendous privilege. When a life is taken, it is permanent. That act cannot be undone. The families and loved ones who remain behind are left to grapple with the loss while struggling to understand whether this death could have been avoided.

At the conclusion of their training, officers take an oath to protect and serve, that oath should apply equally to every member of our communities; but sadly we know that is not the case. Too many people of all religious, ethnic and socioeconomic backgrounds have died while in police custody without sufficient information made available about the circumstances of their death or the officers involved in the incidents. Many questions still remain surrounding Anton Black's death in police custody in the Fall of 2019, after whom this bill is named.

This measure would allow for the public release of materials related to an investigation and any prior complaints against the officer involved. We have a responsibility, we owe it to the families still mourning their loved ones to get it right, and that requires establishing standards that will help ensure transparency and accountability, and inspire public trust in law enforcement agencies.

We support this bill and respectfully urge a favorable report.

Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.
Director, CAIR Office in Maryland
Council on American-Islamic Relations
Email: zchaudry@cair.com
Phone: 410-971-6062

SB0178 Support Testimony MPIA BFBJ.pdf

Uploaded by: Cocke, Abigail

Position: FAV



Many struggles, one mission.

Testimony SUPPORTING SB0178

January 19, 2021

Dear members of the Judicial Proceedings Committee,

My name is Abby Cocke and I am a resident of Baltimore City in District 43 and a strong supporter of SB0178. On behalf of Baltimore for Border Justice, a local advocacy and aid organization, I am submitting this testimony to urge you to SUPPORT SB0178, *Public Information Act – Personnel Records – Investigations of Law Enforcement Officers*.

Keeping records related to public employees confidential makes sense when it comes to things like health issues, NOT when it comes to serious allegations of misconduct. Under our current law, which treats police internal affairs investigations as privileged personnel records, officers have had free reign to abuse residents and get away with it unless their crimes are extremely blatant and well-documented, and a victim is extremely brave, persistent, and lucky... and even then, justice is often out of reach.

Again and again, when talking with people who have been harmed by an officer of the Baltimore Police Department, we find that a pattern emerges of stories of that same officer harming others in very similar ways over the years – but when it comes to exactly how many complaints there have been, what sorts of investigations occurred as a result, and what the results were, the information is all locked away, leaving victims trapped in a lonely, quixotic struggle to try to piece together how their experience fits into what may be a much larger threat to their community. As a result, we are all less safe, and our attempts at forging a better, fairer, and less harmful system are thwarted.

If there are indeed privacy concerns to be considered, on behalf of either the officer in question or the alleged victim(s), those will be taken into account under this law, but misconduct cases will not automatically be shielded. It is crucial that we include un-sustained cases amongst those that can be accessed, because 90% of claims made by members of the public against officers are not sustained, comprising the vast majority of the record. It is in these cases in particular that we are sadly likely to find that internal affairs investigations have been less than thorough, meaning they are the ones that most need to be exposed to the light of day.

What are we afraid of when it comes to transparency? That officers will be unfairly targeted? If that were so, then we wouldn't see this same level of transparency in the majority of states in the country, including many conservative states, that make disciplinary records generally available to the public. We have nothing to fear except keeping our broken system the way it is. The time for change is now, and we charge you to make it.

Thank you for your attention and for doing the right thing.

Sincerely,
Abby Cocke

Abby Cocke
Co-founder, Baltimore for Border Justice
3616 Rexmere Road
Baltimore, MD 21218
Bmore4borderjustice@gmail.com

443-631-0432

LoS - Anton's Law.pdf

Uploaded by: Dove, Spencer

Position: FAV

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



Officers

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Nicolette Young, Assistant Director
Glendora C. Hughes, General Counsel

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Lt. Governor
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Commission Chairperson
Gary C. Norman, Esq.
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Roberto N. Allen, Esq.
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Allison U. Dichoso, Esq.
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Eileen M. Levitt, SPHR, SHRM-SCP
Rabbi Binyamin Marwick
Jeff Rosen
Gina McKnight-Smith, PharmD, MBA

January 21, 2021

Senate Bill 178 – Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law) POSITION: Support

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 178 amends the Maryland Public Information Act (“MPIA”) law to state that records relating to an administrative or investigation of misconduct by a law enforcement officer, including an Internal Affairs investigatory record, a hearing record, and relating to a disciplinary decision are subject to disclosure under the MPIA, subject to certain restrictions.

The Maryland Commission on Civil Rights strongly supports SB178 because current law shields these records from disclosure, which is not in the public safety interest of Maryland. For example, if an officer is dismissed from duty in one jurisdiction, they can apply for employment with another law enforcement agency and receive it without their record of disciplinary action being brought to the new agency’s attention. Furthermore, for aggrieved individuals seeking remedy after being subjected to alleged misconduct (such as the use of unnecessary force) current law makes it difficult, if not impossible, for them to obtain records in the pursuit of justice. MCCR believes, as a matter of principle, that it is in the public safety interest of the state to make these records subject to disclosure so that the communities they are sworn to protect and serve have confidence that appropriate action is taken against anyone that demonstrates they are a threat to the community.

For these reasons, the Maryland Commission on Civil Rights encourages a favorable report on SB178. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

SB0178 testimony SSJC - Dunderdale.pdf

Uploaded by: Dunderdale, Tara

Position: FAV



SB178 -- Support
Public Information Act – Personnel Records – Investigations of Law
Enforcement Officers (Anton’s Law)
Maryland Senate Judicial Proceedings Committee

Chair Smith and Members of the Judicial Proceedings Committee,

My name is Tara Dunderdale, I am a resident of Montgomery County and I am testifying on behalf of the Silver Spring Justice Coalition asking you to remove police misconduct complaints from the personnel record category.

The Spring Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County. We envision a state and county where community and individual needs for safety are met while harm by police is eliminated.

Treating misconduct complaints as personnel records obscures crucial information from our communities about the police in our neighborhoods. It erodes public trust in the police, particularly in light of the fact that without civilian community oversight police are unwilling or unable to deal with issues of misconduct among their ranks.

Communities cannot trust police when they hide cases of misconduct from public view. Communities cannot trust armed officers who have free reign to abuse their power with no public accountability. If police departments are in fact investigating and handling cases of misconduct in a thorough way, then there is no reason to hide these cases behind bureaucratic semantics; but we know from history that they are not, and thus this legislation is crucial.

As a parent, I am explicit in teaching my child to not trust police officers, because the police in Montgomery County and around the country have demonstrated that they will not root out abuses of power on their own. This reform improves transparency and could help build community trust in police. Police in Maryland should not be allowed to continue to obfuscate their abuses of power when so many other states are making misconduct complaints accessible to the public.

Silver Spring Justice Coalition supports SB 178, Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law), and urges a favorable committee report.

Tara Dunderdale, EdD. 1020 Gilbert Rd. Rockville, MD 20851. (301)-251-2347. tara.dunderdale@gmail.com

Legislative Testimony SB178.pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:
SB178

I support Senator Carter's Senate Bill 178 to expand public access to policing data.

**RICHARD
ELLIOTT**
FOR MARYLAND

By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

Esposito Testimony SB 178 - MPIA Reform.pdf

Uploaded by: Esposito, Lindsay

Position: FAV

January 19, 2021

Dear Members of the House Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs (CJSJ). I am a resident of MD District **45**. I'm proud to have been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am testifying **in support of Senate Bill 178**.



Senate Bill 178 which will reform the Maryland Public Information Act to allow details of the investigations of police misconduct to be disclosed. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,

Lindsay Esposito

434 E. Oliver Street

Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

Testimony SUPPORTING SB0178.pdf

Uploaded by: Feldenzer, Emile

Position: FAV

January 19, 2021

Testimony SUPPORTING SB0178

Dear members of the Judicial Proceedings Committee,

I am submitting this testimony to urge you to SUPPORT SB0178, Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law).

It disgusts me that it took a personal intervention from Governor Larry Hogan for Anton Black's family to find out the truth of their son's brutal murder at the hands of police. The ability for Maryland's police departments to hide evidence, investigatory files, and prior complaints against officers who have committed violent acts is what keeps killer cops on the streets, free to repeat their atrocities with impunity. Those who enforce the law shouldn't be above it; when they murder, they should be put under the same scrutiny as an ordinary citizen accused of murder, if not more, given their access to deadly weapons.

When will human life--Black life, particularly--be held in higher regard than the privileges police claim they're entitled to? For families and communities traumatized by the untimely deaths of their loved ones, transparency is the least they are owed. This bill won't repair the harm already done, but it will lift the veil of secrecy and obfuscation that makes justice impossible. Therefore, I hope you will vote in favor of Anton's Law.

Thank you for taking the time to consider my testimony.

Sincerely,

Emile Feldenzer

Eric Simmons Testimony Supporting SB178.pdf

Uploaded by: Feldman, Michelle

Position: FAV

Eric Simmons
Testimony in Support of Senate Bill 178
Senate Judicial Proceeding Committee Hearing 1/21/21

My name is Eric Simmons and my brother JR and I spent 24 years in prison for a Baltimore murder we did not commit. Two Baltimore detectives framed us for the crime. Senate Bill 178 is important to exposing police misconduct and holding officers accountable to protect other innocent people.

I have a lot of respect for law enforcement. My mother was the first African American woman to work at the FBI's fingerprinting lab, and there are many like her who want to do the right thing and keep the public safe.

There are also officers who break the law. That is why my brother and I lost decades of our life, and the people who actually committed the crime got away with it and went on to commit other crimes.

Police threatened a 13-year-old with murder charges unless he implicated us in the shooting. They also withheld information that a paid informant, who claimed to have seen us commit the crime from her window, was getting a new apartment for her testimony. The officers knew it would have been impossible for the informant to have seen us from there.

One of the officers who framed us was Detective Robert Patton, who was involved in a lot of other wrongful convictions. Detective Patton used the same informant as a witness in several other murders and she kept getting benefits for testifying. In prison, I met other men who were victims of Detective Patton. He was never held accountable, so he continued framing innocent people.

Since I've been exonerated, I've seen how low the trust is between communities and the police. I was visiting my family a few months ago when a Baltimore detective knocked on the door and asked about a shooting that happened nearby. My automatic response was to keep quiet and not talk to an officer. I told him about my wrongful conviction and Detective Patton, and the officer said he was aware of him.

The bad cops are stopping the good ones from doing their jobs and solving crimes. I want to thank all of the Senators on this committee for working on this important issue. Please vote yes on Senate Bill 178.

MAIP IP Testimony Supporting Senate Bill 178 (1).

Uploaded by: Feldman, Michelle

Position: FAV



Contact: Michelle Feldman, State Campaigns Director, (516) 557-6650 mfeldman@innocenceproject.org

Mid-Atlantic Innocence Project/Innocence Project Testimony Supporting Senate Bill 178

The Mid-Atlantic Innocence Project is dedicated to exonerating the innocent in Maryland, Virginia and Washington, D.C. The Innocence Project is a national organization that works to overturn wrongful convictions throughout the United States.

Unchecked police abuse is not only killing innocent Black Americans, but it is also taking their lives in courtrooms through wrongful convictions. The first step in stopping these injustices is transparency. Maryland should permit public access to police disciplinary records, regardless of whether internal investigations substantiated the complaints or allegations.

In Maryland, 80 percent of exonerees are Black, and officer misconduct was a leading contributor to their unjust incarceration. Examples include:

- **Eric Simmons & JR McPherson** spent 24 years in prison after being framed for murder by Baltimore detectives. Officers coerced a teenager into implicating the men in the crime. In addition, a paid police informant testified that she saw the shooting from her window, which a reinvestigation revealed would have been physically impossible. *The men were awarded \$3.8 million in state compensation in June.*
- **Alfred Chestnut, Ransom Watkins and Andrew Stewart** were 16 years old when they were framed for murder by Baltimore detectives who coerced witnesses into implicating them. A public records request revealed previously hidden police reports that contained witness statements pointing to a different culprit. The men were exonerated after spending 36 years in prison and *received a total of \$8.7 million in state compensation.*
- **Demetrius Smith** spent five years in prison for a 2012 murder after two detectives coerced witnesses and hid evidence. Smith was eventually released when a federal investigation confirmed that Jose Morales was the real culprit and he had gone on to commit additional felonies. The detectives never faced any consequences. Instead, one was promoted to lead a Baltimore Police unit. The other resigned after an investigation into his coverup of a racial incident in the department. He was then hired by the Annapolis police, where he worked until his retirement last year.

All Marylanders are affected by these wrongful convictions. When an innocent person is convicted, the actual culprit remains undetected and can potentially harm others. Maryland taxpayers have paid \$24.7 million in state compensation and \$24.4 million in civil lawsuits for wrongful convictions involving police misconduct.¹

Lifting the veil of secrecy on police disciplinary records is essential to protecting the innocent. Maryland is one of 21 states where this information is confidential, which increases the risk of wrongful conviction in two major ways. First, there is no external oversight of how departments handle allegations of misconduct, which allows officers to continue illegal and unethical behavior.

¹ Source of State Compensation/Civil Payment Data: Jeffrey Gutman. *An Empirical Reexamination of State Statutory Compensation for the Wrongly Convicted*, 82 Mo. L. Rev. 369 (2017). Source of MD Wrongful Conviction/Police Misconduct Data: National Registry of Exonerations.

SB 178 - MPIA Reform.pdf

Uploaded by: Fertig, Benjamin

Position: FAV

Dear Members of the House Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs (CJSJ). I am a resident of MD District 11. I am testifying **in support of Senate Bill 178**.



Senate Bill 178 which will reform the Maryland Public Information Act to allow details of the investigations of police misconduct to be disclosed. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,

Benjamin Fertig, Ph.D.

2722 Quarry Heights Way, Baltimore, MD 21209

Showing Up for Racial Justice Baltimore

NFranklin SB178 Support.pdf

Uploaded by: Franklin, Neill

Position: FAV



LAW ENFORCEMENT ACTION PARTNERSHIP

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To: William C. Smith, Jr., Chair
Jeff Waldstreicher, Vice Chair, and
Judicial Proceedings Committee

From: Major Neill Franklin, Ret., on behalf of the
Law Enforcement Action Partnership (LEAP)

Support - Senate Bill 178

Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton's Law)

Hearing: Thursday, January 21, 2021

Distinguished members of the Committee, thank you very much for the opportunity to present the views of the Law Enforcement Action Partnership (LEAP) in support of Senate Bill (SB) 178.

The Law Enforcement Action Partnership's mission is to unite and mobilize the voice of law enforcement in support of drug policy and criminal justice reforms that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working toward healing police-community relations.

"While policing is a tough job, departments can improve their effectiveness and the safety of their officers by being transparent and accountable, particularly in moments of tension. After use of force incidents, departments should allow independent investigations, keep the public informed, and retrain or remove officers when warranted. By pruning individual bad apples, departments prove the health of the tree." This is a quote directly from our website and you can see, it speaks specifically about transparency and accountability, two essential things needed for improving safety.

I have served in three Maryland agencies as a commander, the Maryland State Police as the head of training, the Baltimore Police Department as the Chief of Human Resources and head of training, and the Maryland Transit Administration as the head of Internal Affairs and the Office of Professional Standards. We train our police officers to be accountable servants to the community and upon leaving the academy; this is who they believe they are. But because of the "street" policing culture of misconduct cover-ups and lack of accountability, many potentially good police officers are quickly converted to members of a secretive non-transparent closed society where "the code of silence" has become their oath of office.

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

As we continue the daunting and necessary task of police reform, it is important that we protect the rights of our public servants. Specifically, the intimate details contained within a police officer's personnel file must be safeguarded in the same manner as any other employee. SB178 does not jeopardize this protection. This bill is about public police behavior occurring within the communities in which they work.

According to Sir Robert Peel of Great Britain, who is viewed by many of our police leaders as the father of modern policing, "the police are the public and the public are the police." This is principle number seven of the nine Peelian Principles. Principle number two states, "To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and on their ability to secure and maintain public respect." In short, we exist because of the public and the work we do "for them" should be approved "by them." As such, the public should be informed of all that we do within the community. They must have access to police behavior within the community, good and bad. This level of transparency is not only necessary for securing public respect (trust), but it is their right.

This legislation would allow disclosure of a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision.

As the former chief of human resources for the Baltimore Police Department, it is my expert opinion that public access to police conduct records does not violate the rights of police officers. The records in question reflect police behavior as they carry out their duties within community and in order for the public to have the ability to approve, or disapprove, they must have detailed knowledge of the behavior and the investigative results.

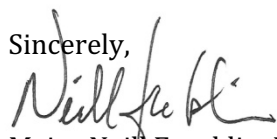
From a managerial perspective, police leaders have a responsibility first and foremost to the public. It is their responsibility to ensure the highest level of service, which comes in many forms (police availability, responsiveness, providing information and education, investigatory services, crime prevention, victim services and protection from Constitutional rights violations). A primary process of investigating crimes, which aids with the capture of habitual criminals, requires public cooperation in the form of witnesses. Where citizens lack trust in their police force, they also lack confidence in coming forward as a witness to violent crime and in many cases, victims of violent crime fear reporting the crime to police. This is referred to as the "chilling effect" where the severe lack of trust perpetuates violent crime.

In closing, no fewer than twelve (12) states have seen the need for transparency and have policies allowing for broad public access to such files. Fifteen (15) states have some form of limited access bringing that total to twenty-seven (27) states understanding the importance of transparency. None of these states report any dangerous conditions for police officers relative to disclosing such information. The twenty-three (23) remaining states lag behind with keeping this information secret and Maryland is one of them.

It is unconscionable that a complainant of police misconduct would have no access to the results of an investigation where they, or their child, may have been the victim of inappropriate police action. Victims of crime have access to investigations and the results, and so should victims of police misconduct. It's time to begin dismantling the "code of silence" and implement a new "code of transparency." This transparency would also go a very long way in improving safety for police officers. When citizens respect their police, they protect their police.

It is for these reasons that we, members of the Law Enforcement Action Partnership, support SB178 and ask that you, the members of this committee, give SB178 a favorable report.

Sincerely,



Major Neill Franklin, Ret.
Treasurer

*Formerly with the Maryland State Police, Baltimore Police Department and Maryland Transit Police Force

SB0178 MPIA support letter.pdf

Uploaded by: Girdner, Linnie

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee:

I am a resident of District 21 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County and Anne Arundel County Connecting Together.

I am testifying in support of bill SB0178 which will reform the Maryland Public Information Act. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

That full picture of an officer's history also can ensure that police departments across the state make hiring decisions that will be a credit to their department. A Florida study published in the [Yale Law Journal](#) found that police officers who are fired tend to get rehired by another agency within three years. Officers who've been fired tend to move to smaller agencies with fewer resources and slightly larger communities of color. When a "wandering officer" gets hired by a new police department, they tend to get fired about twice as often as other officers and are more likely to receive "moral character violations," both in general and for physical and sexual misconduct.

https://www.washingtonpost.com/politics/2020/06/16/what-happens-when-police-officer-gets-fired-very-often-another-police-agency-hires-them/?utm_campaign=wp_post_most&utm_medium=email&utm_source=newsletter&wpisrc=nl_most. This bill will allow police departments to make hiring decisions that will better serve the communities they protect and also will allow them to avoid the costs in potential lawsuits and reputation that can result from hiring blind.

Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — communities need the most oversight over those.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of SB0178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,
Linda K. Girdner, Ph.D.
941 Fall Ridge Way
Gambrills, MD 21054

TPM testimony on 2021 SB178 MPIA reform (Anton's L

Uploaded by: Grimes, Seth

Position: FAV



SB178 -- Support

Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law)

Maryland Senate Judicial Proceedings Committee

Chair Smith and Members of the Judicial Proceedings Committee,

Takoma Park Mobilization supports SB178, Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law), and urges a favorable committee report.

Takoma Park Mobilization is a grassroots advocacy organization with 2,300 members in and around Takoma Park, Maryland that works to enact local, state, and national policies and laws that ensure equal justice for all, with special attention to the treatment of people of color, immigrants, and other vulnerable individuals in our communities.

SB178 extends the provisions of the Maryland Public Information Act (MPIA) to records of administrative or criminal investigations of misconduct by a law enforcement officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision. The statute rules that such records may not be considered personnel records for MPIA disclosure purposes.

These are important reforms. “Sunshine laws” such as the MPIA, by providing standards and establishing procedures that maximize public access to government information, sustain fairness, accountability, and due process. They are a foundation for good government and must be comprehensive. **Maryland’s exceptional Public Information Act treatment of law enforcement misconduct-investigation and disciplinary records must be eliminated.**

SB178 would enhance public-safety transparency by applying to Maryland law enforcement, disclosure rules already applied to similar non-law enforcement records. It would advance accountability by eliminating exceptions that shield misconduct from public and press visibility. By opening investigation records to public scrutiny, SB178 will both encourage better policing -- an essential goal -- and boost public trust in law enforcement and law enforcement disciplinary actions.

SB 178 is important legislation that would improve law enforcement performance and build public trust. Takoma Park Mobilization urges a favorable SB 178 committee report and General Assembly enactment.

FAV SB 178 testimony_2021 Jeffrey Harrison.pdf

Uploaded by: Harrison, Jeffrey

Position: FAV

Jeffrey A. Harrison

Date: January 19, 2021

Position: **Support / Favorable**

Sponsor: Senator Carter

Bill Number: **SB 178 / HB 120**

Senate Committee: Judicial Proceedings

Bill Title: Public Information Act - Personnel Records - Investigations of Law Enforcement Officers
(Anton's Law)

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

I strongly support SB 178.

Maryland residents and visitors who file a misconduct 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. Because of that, 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 family members for a lifetime. Across Maryland, distrust of law-enforcement agencies continues because of the lack of accountability and the lack of transparency.

Based on statistics from Baltimore City and Prince George's County police departments, only a minority of misconduct investigations result in a finding that the allegation is Sustained. However, investigations resulting in other findings such as Exonerated/Unfounded/Non-Sustained might not have been conducted thoroughly or properly by the police chief or others with investigative and decision-making powers.

Records of all law-enforcement-officer-misconduct investigations need to be releasable regardless of the misconduct category and regardless of the investigation finding. SB 178 allows custodians to release the records and also provides specific circumstances under which a custodian may keep records confidential.

I hope that complainants and other relevant people will be able to see all the misconduct-investigation-record information that they deserve to see, without any new roadblocks. Maryland needs this transparency.

Shining some light on the investigation records may improve future investigations and may increase trust and accountability currently lacking in Maryland. Releasable records may also provide some closure and justice for traumatized families.

For those reasons, please **support SB178** and report it as **Favorable** from the committee.

Thank you.

Jeffrey A. Harrison
(a member of Greenbelt People Power and of Community Justice Coalition)
6835 Damsel Ct
Greenbelt MD 20770
(District 22)
Jeff6836@gmail.com

SB 178 - MPIA Reform BH.pdf

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the House Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs (CJSJ). I am a resident of MD District 43. I am a longtime member of the vibrant Baltimore arts community and currently serve as the Artistic Director for the Fells Point Corner Theatre. I am testifying **in support of Senate Bill 178**.



Senate Bill 178 which will reform the Maryland Public Information Act to allow details of the investigations of police misconduct to be disclosed. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,
Barbara Hauck
(she/her/hers)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

CRB Written Testimony- SB0178.pdf

Uploaded by: Hawkes, Tiera

Position: FAV

January 19, 2020

Hello Senator Carter,

Please accept this letter as The Baltimore City Civilian Review Board's formal support of Senate Bill 0178 Anton's Law.

The Baltimore City Civilian Review Board is the only entity in Baltimore City that is charged with investigating citizen complaints and issuing disciplinary recommendations officer's complaints of excessive force, abusive language, harassment, false arrest, and false imprisonment.

1. Based on the CRB Annual Report*, the CRB received 39 allegations of Excessive Force, 42 allegations of Abusive Language, 86 allegations of Harassment, 50 allegations of False Imprisonment, and 54 allegations of false arrest. **Excessive Force was the most sustained allegation of the reporting period, for a total of 47.8% of all sustained allegations.**
2. **The LEOBR excludes civilian oversight from the formal disciplinary process consequently, preventing the CRB from conducting an investigation that leads to discipline.** This means the CRB's investigations and recommendations are nothing more than recommendations, and that discipline is still entirely reliant upon the often compromised investigation of the police department, which renders the CRB virtually toothless to hold police officers accountable.
3. **The LEOBR and the CRB's enabling statute prevent the board from viewing officer performance holistically by allowing the expungement of formal complaints from the officer's record.** LEOBR §3-110(a)(2) and PLL §16-48(b). The CRB's enabling statute fails to grant the CRB access to information needed to conduct independent and through investigations as required for police accountability and transparency.
4. **The MPIA prevents disclosure of disciplinary files, which makes the administration of the CRB unwieldy and often unworkable.** We often make our recommendations knowing nothing about previous incidents, or previous disciplinary action taken against them. Recently, the CRB was asked to sign confidentiality agreements—this undermines public confidence in the CRB's work.

The CRB has a monthly meeting every third Thursday, where we discuss new complaints filed by citizens and review completed investigations by the Baltimore City Police Integrity Bureau and the CRB Investigators, for disciplinary recommendation. Information about the CRB can be found at <https://civilrights.baltimorecity.gov/civilian-review-board>.

Respectfully Submitted,

Tiera Hawkes, Chairwoman
The Baltimore City Civilian Review Board
CRBIntake@baltimorecity.gov

*CRB Annual Report, 2017-2018, Current Report pending.

BALTIMORE CITY
CIVILIAN REVIEW BOARD

SB0178-AHurley-Testimony.pdf

Uploaded by: Hurley, Ayla

Position: FAV

Ayla Hurley
7001 Cradlerock Farm Court
Columbia, Maryland 21045
District 13

TESTIMONY IN SUPPORT OF SB 178, Public Information Act - Personnel Records -
Investigations of Law Enforcement Officers (Anton's Law)

1/21/2021

TO: Chair Smith and members of the Senate Judicial Proceedings Committee

FROM: Ayla Hurley

Chair Smith and members of the Judicial Proceedings Committee, my name is Ayla Hurley, I live in Columbia, Maryland, and I am writing to support Anton's Law, SB 178.

Anton's Law would prevent the continuation of injustice throughout law enforcement departments in Maryland, and allow Maryland to join the majority of states that do not classify complaints against officers as protected personnel files. 90% of complaints against officers made by the public are not sustained, which damages Marylanders' trust in those officers.

Transparency of investigative procedures is necessary to prevent repeated cases of flagrant officer misconduct, sometimes criminal misconduct, only for them to be acquitted long after the investigation has been determined unsustainable. This helps no one but the unsuitable officers, and harms members of the community, primarily people of color. After the global civil outcries throughout 2020, this legislation can no longer wait. It must be enacted now if trust in Maryland law enforcement is to be rebuilt.

I urge you to support SB 178 and help ensure that Maryland's law enforcement is being held to the highest standards of conduct.

SB 178-Anton's Law (MPIA Reform.pdf

Uploaded by: Hutto, Jonathan

Position: FAV

To: Members of the Maryland Senate Judicial Proceedings
From: Jonathan W. Hutto, Sr., Prince George's People's Coalition
Re: Testimony in Support of SB 178-Anton's Law (MPIA Reform)
Date: January 19th 2020

I hope this message finds all of you in the best of health and good spirits. My name is Jonathan W. Hutto, Sr., and I serve as Chairperson for the Prince George's County People's Coalition comprised of Grassroots Organizations along with Laypersons concerned. I'm formally submitting my written testimony in support of SB 178-Anton's Law (MPIA Reform).

The state of Maryland ranks among the least transparent states in regards to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public. Even in so-call conservative states such as Alabama, Georgia, and Arizona, police disciplinary records are generally available to the public.

Once a citizen in our state files a complaint of police misconduct, they are unable to access the adjudication process in relation to their complaint. The only information they can obtain is the disciplinary outcome; one is unable to assess whether the department conducted a thorough or lackluster investigation of their complaint. This is due to the complaint file being considered a "personnel record" under Maryland's Public Information Act, and personnel records may never be disclosed.

As an example of the reactionary application of this ethic, within Prince George's County we are struggling to obtain the investigatory files in regards to the case of Archie Elliott, III., a 24-year old unarmed African-American Male murdered by Prince George's Police in June 1993. Nearly 30 years later, his mother Dorothy is still struggling to obtain those files in her son's case which is moral and ethical disgrace.

We are pushing for the expeditious and timely passage of this bill as a "Common-Sense" measure designed to build the trust of our citizens in the Civilian Oversight Process of our Law-Enforcement which must be made stronger, more transparent and accountable to the citizenry which funds it.

Pressing Ever Onward,

J.Hutto, Sr.
Prince George's People's Coalition

HB120:SB178 testimony.pdf

Uploaded by: John, Beverly

Position: FAV

Written Testimony

My name is Beverly John. I am submitting this testimony in support of reforming the MPIA (HB120/SB 178). It is reported that 90% of complaints against officers made by the public are not sustained. However, as a resident of Prince George's County, I have seen the impact that over-policing and harassment has had on our community over the last 23 years. During street outreach to serve those in need, I hear and see the frustration of our neighbors. I see the hurt and despair of those who just want to enjoy basic rights within their community without harassment. I have been given a first-hand glimpse into the lack of trust the community has for law enforcement across the State. The complaint processes lack transparency and accountability. We see cases where officers have engaged repeatedly in misconduct, even criminal misconduct that was known to the department, but the cases were acquitted. How is the community to place any trust in law enforcement when they are not held accountable? In the State, 80% of exonerees are Black, with officer misconduct as the leading reason for exoneration. We cannot continue to allow officers who bring personal bias and bigotry to the job to prey on our community. We need this legislation

There is national attention on police reform, with a very recent focus on nationalist and terrorist influences within police departments. No one should have to work in such toxicity. Multiple use of force complaints and involvement in cases where lethal force has been used should be red flags to the danger an officer may represent. Hiding these incidents in "personnel" files is an impediment to obtaining justice for families and the community at large. Transparency is the key. We have one more time to pass legislation that will help our community, as well as those officers who must work with other officers who do harm to the community. Help us all by supporting HB120/SB178.

Thank you.

SURJ Police accountability 2021 January 19.pdf

Uploaded by: Kleinman, Jan

Position: FAV

Dear Members of the House Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs (CJSJ). I am a resident of MD District 43. The police have an important public safety role to play in our society and I want to trust them. I am testifying **in support of Senate Bill 178**.



Senate Bill 178 which will reform the Maryland Public Information Act to allow details of the investigations of police misconduct to be disclosed. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,

Jan Kleinman

2700 Remington Avenue Apt 504

Baltimore, MD 21211

Showing Up for Racial Justice Baltimore

MPIA Written Testimony_letter Template.pdf

Uploaded by: Kronser, Lori

Position: FAV

Dear Senator Smith and Judicial Committee,

I am a resident of District 23B and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of bill (HB 120/SB 178) which will result in reforming the Maryland Public Information Act. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy— including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations.

That full picture of an officer's history also can ensure that police departments across the state make hiring decisions that will be a credit to their department. A Florida study published in the [Yale Law Journal](#) found that police officers who are fired tend to get rehired by another agency within three years. Officers who've been fired tend to move to smaller agencies with fewer resources and slightly larger communities of color. When a "wandering officer" gets hired by a new police department, they tend to get fired about twice as often as other officers and are more likely to receive "moral character violations," both in general and for physical and sexual misconduct.

https://www.washingtonpost.com/politics/2020/06/16/what-happens-when-police-officer-gets-fired-very-often-another-police-agency-hires-them/?utm_campaign=wp_post_most&utm_medium=email&utm_source=newsletter&wpisrc=nl_most. This bill will allow police departments to make hiring decisions that will better serve the communities they protect and also will allow them to avoid the costs in potential lawsuits and reputation that can result from hiring blind.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

Thank you for your leadership and willingness to make bold changes that will result in a more transparent system for all.

It is for these reasons that I am encouraging you to vote in support of (HB 120/SB 178) to reform the Maryland Public Information Act.

Thank you for your time, service, and consideration.

Sincerely,
Lori Kronser
12800 Holiday Lane
Bowie, MD
20716

Leas - Anton's Law Testimony-1.pdf

Uploaded by: Leas, Stephen

Position: FAV



January 19th, 2021

Testimony on SB0178
Public Information Act - Personnel Records - Investigations of Law Enforcement Officers
(Anton's Law)
Judicial Proceedings Committee

Position: Favorable

As a member of the Sunrise Movement, a youth movement fighting to solve the climate crisis and to remedy historical injustices, I am urging the committee to support Anton's Law. The climate crisis cannot be addressed without addressing racial injustice. In turn, racial injustice cannot be addressed without addressing police misconduct.

As we have seen in the George Floyd protests that swept the country last summer - and the peaceful protests in Baltimore - racial justice requires holding police accountable for inappropriate conduct. However, as we see with devastating regularity, opaque internal investigations into police misconduct does not lead to justice for victims

The cycle of over-policing of black and brown communities continues when justice is not served. This cycle disempowers communities, especially young people of color. Our local hub, Sunrise Movement Baltimore, endorses this bill to ensure that important records are brought to light because we understand that police misconduct disproportionately affects young people of color that we look to for leadership in coalitions fighting for justice.

The injustice that young people of color face in police misconduct is also a climate issue. When black and brown youth suffer at the hands of police brutality, the entire community is impacted. These impacts further complicate communities' access to resources and capacity to fend off industrial polluters who regularly use their power to declare neighborhoods of color as "sacrifice zones" for toxic pollution. White communities that are not overpoliced have more resources to successfully fight off the polluters causing the climate crisis. To address environmental injustice, we must listen to and empower young people of color in their own communities.

When personnel records of police accused of misconduct are not accessible, there is less accountability and young black and brown folks do not get justice. I stand with the young black and brown leaders and organizations from Baltimore leading the way on racial and climate justice, and recognize their primacy on this issue. I support the call for a number of reforms that move towards justice, not least of which is to increase police accountability and transparency through Anton's Law.

We encourage a FAVORABLE report for this important legislation.

SB0178 - Carol Stern - Jews United for Justice (2)

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

Carol Stern

Chevy Chase, MD 20815

sterncss@gmail.com/(301) 951-3936



THINK JEWISHLY. ACT LOCALLY.

TESTIMONY IN SUPPORT OF SBI78/HB120

Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Carol Stern, on behalf of Jews United for Justice (JUFJ)

My name is Carol Stern and I live in Chevy Chase in District 16. I am co-chair of the Justice System Reform & Immigrant Rights Team of Jews United for Justice (JUFJ). JUFJ organizes more than 5,500 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice. I am providing this testimony in support of Anton's Law, SBI78/HB120. We thank you for recognizing the urgent call of thousands of Marylanders, who have raised our voices in the streets asking for meaningful changes to policing to be passed during this legislative session.

Jewish tradition teaches us that destroying one life is akin to destroying the entire world. In a world already filled with so much violence, we must move to end police violence and change Maryland laws that prevent us from holding police accountable.

JUFJ has joined nearly 100 other organizations across Maryland, in the Maryland Coalition for Justice and Police Accountability, calling on the General Assembly to pass five specific and impactful reforms. Reforming the Public Information Act to allow disclosure of all complaints of police misconduct is a key change needed to reform our justice system.

19-year-old Anton Black's death was the direct result of Officer Webster's excessive use of force - an officer with nearly 30 use-of-force complaints from prior incidents. Officers like Webster, with 10, 20, 30, or more complaints of misconduct, are only able to remain in their positions due to the shroud of secrecy covering their pattern of practice. Should SBI78/HB120 be passed, it would make publicly available the complaints against officers and would force chiefs

and commissioners who want to avoid public outrage to address it expeditiously. That increased accountability would reduce the likelihood of police abuse, violence, and even murder of the residents they are sworn to serve and protect.

Jewish tradition says that we are called to be partners in the creation of a more perfect world — in this time that call is louder than ever. Passing Anton’s Law is a step towards that more perfect world we must create together. **JUFJ respectfully urges a favorable report on SBI 78/HBI 20.**

SB178 - Bruce Turnbull.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

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TESTIMONY IN SUPPORT OF SB178/HB120
Public Information Act - Personnel Records - Investigations of Law Enforcement Officers
(Anton's Law)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Bruce H. Turnbull

My name is Bruce H. Turnbull. I live in Bethesda in Maryland, in legislative District 16. I strongly support the passage of SB178/HB120, Anton's Law, to ensure that information concerning investigations of allegations of wrongful conduct by police are open and transparent.

Jews today often look to the police as a source of sadly needed protection. Our synagogues and other public buildings are usually guarded by on and off duty police officers. We appreciate their dedication and support.

However, Jews have a long history that informs our views on the conduct of police and other authority figures. In a sermon in the wake of the Ferguson situation, Rabbi Michael Rothbaum put it clearly:

“Throughout our history, Jews have grown accustomed to looking over our shoulders, to watching what we say, to following orders, sensible or otherwise. From Crusaders to Cossacks, from bank conspiracies to blood libels, Jews know the reality of living with fear. Fear that our martyrs — many of them young men and boys — would be abducted and slaughtered.”¹

Today, far too many people of color live with exactly that fear borne of the reality of too many unfortunate encounters with police. This situation cries out for new standards of police conduct and for mechanisms to hold police accountable for inappropriate actions. In our own state, the past few years have seen just too many instances in which use of force by police has caused serious injury or death. Disclosing all complaints of police misconduct will go a long way to

¹ Rabbi Menachem Creditor,
<http://rabbicreditor.blogspot.com/2014/10/rabbi-michael-rothbaum-fergusonfargesn.html>

ensuring that conduct will actually change, and that the understandable fears of Maryland residents will be reduced along with the conduct change.

To ensure that this happens, investigations of misconduct must be real and must be open and transparent. The current Maryland law protecting misconduct complaints and investigations as “personnel records” is both archaic and at odds with the needs of our current situation. Giving the record custodian the authority, and obligation, to disclose the records of an investigation of allegations of misconduct or discrimination is essential both to ensuring that the new standards of conduct are followed and to restoring trust in police and related authorities by the communities adversely affected by misconduct and discrimination. SB178 would ensure these positive effects have a real chance to be realized. **I respectfully urge a favorable report on SB178.**

SB178 - Claire Landers.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

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TESTIMONY IN SUPPORT OF SB178/HB120

Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Claire Landers

My name is Claire Landers. I live in Baltimore County, in District 11. I am submitting this testimony in support of SB178/HB120, "Anton's Law."

My grandfather was a police lieutenant in the Boston Police Department. I grew up with police officers as neighbors and family friends with whom we enjoyed backyard parties and camping trips. I was comfortable around police officers, in and out of uniform. And even still, I remember my white parents advising my teenage brother in the 1970s, "If you are ever pulled over by a cop, do whatever they say. You don't know what could happen." They offered this advice after a teenager (white) in our community (98% white) had been killed running away from an officer in a local park.

The warning contained in my own parents' advice always stuck with me: a police department, like all human endeavors, includes individuals who exhibit the full range of human impulses and behavior--from the very best to the very worst.

I am a white, middle-aged suburban resident of Baltimore County for over 20 years. After many years of accruing knowledge about specific incidents of police misconduct throughout Maryland, I have been morally compelled since 2016 to speak up and advocate about the lack of accountability around police misconduct and the need to bring transparency and oversight of local law enforcement. I believe it is a fundamental issue of public safety that Maryland in 2021 finally join 28 other states which already allow some public access around the police officer disciplinary records.

I personally observed some of the trial of Sgt. Wayne Jenkins, leader of the infamous Gun Trace Task Force. I heard testimony with stunning details of brazen misconduct and criminality that he and his fellow officers engaged in for years. But I must underscore, in Sgt. Jenkins' first two years on the job, a decade before he joined the GTTF, he was the subject of multiple misconduct complaints! We must

ask: What enormous damage might have been prevented over the entirety of his “successful” and notorious BPD career if the very troubling pattern of behavior documented in Jenkins’ early disciplinary record had been accessible to public scrutiny? What we do know is that he and his fellow officers had relied on Maryland’s unique restrictions around personnel records to “game the system” and enable their fearless criminality.

Currently, Maryland’s MPIA is a legal device that underpins a flawed system where police are empowered to investigate complaints and discipline themselves, even for grievous abuse and misconduct. That so very many complaints are categorized “unsustained” is hardly surprising. “Unsustained” does not mean “unfounded”: It is a “catch-all” category that internal affairs investigators frequently use for any and all complaints that do not offer a clear or easy resolution. MPIA keeps all results “buried” and conceals disturbing patterns. Marylanders filing complaints deserve to learn whether and how their complaints have been resolved.

Officers who engage in patterns of misconduct inflict harm directly onto their victims; they have caused long-term damage, especially within Black and brown communities. They discredit the entire law enforcement profession.

SB178 will mark a meaningful step forward toward greater transparency and oversight of local law enforcement throughout Maryland, and **I respectfully urge this committee to give SB178 a favorable report.** Thank you for your thoughtful consideration.

SB178 - Jeffrey Rubin.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

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TESTIMONY IN SUPPORT OF SB178/HB120

Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Jeffrey Rubin

My name is Jeffrey Rubin. I live in Potomac in District 15. This testimony is in support of SB178/HB120, Anton's Law.

Just and effective law enforcement that serves the needs of everyone is critical for a thriving civil society. We recognize the many challenges of police work and appreciate the efforts of the police officers who have dedicated themselves to this service.

The ability of the police to perform their job is severely compromised when the behavior of individual officers causes the public to lose faith in the department. Questions inevitably arise when mistreatment or serious harm occurs to residents during their interactions with the police. In such instances, public confidence in the police force is strengthened by providing to the public, and especially to those most directly affected, information in response to complaints of job-related misconduct made against a law enforcement officer. Otherwise, trust in the police department and public safety will suffer.

Law enforcement officials should take heed of the damage done to the credibility of the Catholic Church by the reluctance of its leaders to hold accountable the small fraction of its workforce who abused members of the public. This institutional failure was due to a systemic unwillingness to share information, track patterns of misbehavior, and discipline offenders. Police departments across the country suffer a loss of public confidence when they engage in similar practices.

It is incumbent on legislators to ensure that complaints alleging misconduct by police officers are investigated thoroughly, that information is shared with those most directly affected and the public, and that police officers are appropriately held accountable. **For all these reasons, I respectfully urge a favorable report for SB178/HB120.**

SB178 - Joe Magar.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

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TESTIMONY IN SUPPORT OF SB178/HB120

Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Joe Magar

My name is Joe Magar and I live in District 41 in Baltimore City. **I am submitting this testimony in support of SB178/HB120, Anton's Law.** As a musician, my professional life is largely open to the public. If I perform poorly, it's either on stage, in rehearsal and/or being recorded. As a freelancer, I hire and am hired based on a network of trusted colleagues, whom I rely on to only refer me to people who are, in turn, reliable. I know that if I underperform, they will not recommend me to anyone else in the future. There is always someone to hold me accountable. At the end of the day, however, the stakes are relatively low in my line of work; a wrong note or a disappointed audience has professional consequences for me, but no one dies.

Why am I held more accountable for my job performance than police in the state of Maryland? Why do police have the privilege of having their disciplinary records kept in the dark, away from the public they often fail to serve? Why are complaints, including those that resulted in harm and/or death, kept secret from other police departments that are hiring? The stakes are so much higher in their line of work, but accountability and transparency are so much lower than they are for the rest of us.

I'm not just speaking for myself who happens to work (unarmed) in a very public field. My wife is a physician, whose work, like police, has a direct impact on safety and wellbeing of the people whom she cares for. Unlike the police, she is licensed by the state and certified by an independent board. If she is negligent or reckless and a complaint is made against her, she will be reviewed by these bodies, and the outcome of these investigations, or any lawsuits or settlements are publicly available. Such concerns are not simply "handled internally" and swept under a rug.

Too often when we read about violence perpetrated by the police, the public learns after the fact that the officers involved had a history of such behavior. State's Attorney Marilyn Mosby has stated publicly

that there are over 300 officers she would not count as credible witnesses because of something in their service record. This unconscionable state of affairs must be rectified with measures that increase transparency, in order to begin to repair the damage done to public trust in the police in the light of such revelations, the gun trace task force debacle, etc.

I respectfully urge this committee to give SB178/HB120 a favorable report. Giving police a loophole to hide behind the banner of “unsustained” complaints will not be truly holding police accountable. The rest of us do not have this privilege, so why should the people with the guns?

SB178 - Sam Blau.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

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TESTIMONY IN SUPPORT OF SB178/HB120

**Public Information Act - Personnel Records - Investigations of Law Enforcement Officers
(Anton's Law)**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Samantha Blau

My name is Samantha Blau, I am a resident of Baltimore's Patterson Place neighborhood in District 46. I am also a former educator with over ten year's experience working with students and teachers in Baltimore City and across the state of Maryland. As a teacher, an organizer, and a resident of Baltimore I submit this testimony in favor of SB178/HB120, Anton's Law.

As an educator, I have taught students that just because the language used to describe a scientific law sounds complicated it does not mean it cannot be simply demonstrated. Maxwell's equations describe the relationship between magnetism and electricity, and while a fourth grader may not be able to reproduce the mathematics they can appreciate the demonstration of using an electric current to make two pieces of metal magnetic. Anton's Law describes how the citizenry can expect to hold an armed police force accountable for potentially deadly acts. I may not be able to reproduce a description of "deadly force" as a lawyer could, but I have, unfortunately, seen multiple demonstrations of what happens when police who go unchecked harm and kill my fellow citizens.

I believe that right now the only thing standing between myself and harm from a police officer is the color of my skin. If I were a Black woman living in my neighborhood every day would be a Russian roulette of interactions; will today be the day I meet an officer who has multiple complaints of force that have gone unaddressed? While this committee cannot end the institution of racism in one fell swoop, it can pass a law that empowers citizens to use the tools already available to them. The Maryland Public Information Act (MPIA) is a tool that is currently blunted because police disciplinary records are considered private and can't be released to the public. However, if officers' complaints against them for job-related misconduct are accessible through the MPIA, then citizens can ask legitimate questions about public employees who have the power to kill people.

This committee cannot fix everything, but it can take a major step towards making a difference. As Rabbi Tarfon taught: "It is not your responsibility to finish the work [of perfecting the world], but neither are you free to desist from it." **So I respectfully urge you to do the work that you can now and issue a favorable report on SB178/HB120.**

SB178- Karen Caplan.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

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TESTIMONY IN SUPPORT OF SB178/HB120

**Public Information Act - Personnel Records - Investigations of Law Enforcement Officers
(Anton's Law)**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Karen Caplan

My name is Karen Caplan. I am a resident of Silver Spring's District 18. I am submitting this testimony to express support for SB178/HB120, also known as Anton's Law.

First, many thanks to Senator Carter and Delegate Acevero, and the co-sponsors of this urgently needed bill. My support for SB178/HB120 rests on one simple premise and on a long and troubled record of police encounters with the public, both in this state and nationwide. The premise is this: **we give police officers extraordinary power in this state and in this country; it is thus imperative that we make absolutely certain that with that power comes stringent oversight and accountability.**

We have long known that police sometimes abuse their power, especially in their encounters with Black and brown people. But the scale of the problem has skyrocketed into our national conversation since the death of Mike Brown in Ferguson and the rise of the Black Lives Matter movement. With the death of Baltimore's Freddie Gray, Maryland joined Missouri in the national spotlight. And the aftermath of the death of Anton Black, for whom this bill is named, revealed serious legal obstacles to the transparency that is absolutely necessary in order to hold police departments accountable for upholding integrity in hiring police officers and establishing standards of conduct.

After Mr. Black died in police custody in 2018, two things became clear: first, it is currently extremely difficult for families to obtain information about investigations into police killings of Maryland residents, or in fact investigations into any police misconduct. And second, our current laws impose extreme restrictions on what information can be made available about a police officer's past record of accusations of misconduct. No family should have to suffer the kind of stress that came with the prolonged withholding of information from Mr. Black's family, and no potential victim of police misconduct should be denied a clear explanation of whatever result an investigation might have.

It is also clearly in the interest of both particular complainants and the public as a whole that we have access to information about previous complaints made against an officer who has been accused of misconduct. In the case of Mr. Black, we now know that the officer involved, Thomas Webster IV, had worked previously in Dover, DE, where he had resigned after

accusations of brutality and where he had accumulated over 30 use-of-force complaints. This realization led to increased scrutiny of the Maryland Public Information Act (MPIA), which treats all prior complaints as part of a police officer's personnel record and therefore unreleasable to the public. Anton's Law would correct this barrier to transparency by excluding records relating to formal complaints of job-related misconduct made against a law enforcement officer from the definition of personnel records. At present, 28 other states allow more access to these kinds of records than Maryland does. These provisions in Anton's Law go a long way to move Maryland forward into the mainstream and even into the forefront on police transparency reform.

Police officers are supposed to be there to protect the residents of Maryland. To enable them, we have given them extraordinary power, including power over the life and death of the people they encounter. The simple truth is that sometimes they use that power in a way that poses a danger to the population they are supposed to protect. We don't need to argue about how prevalent this problem is to recognize it as a problem. Our current legal structures make it difficult to hold Maryland police accountable for their actions.

The Jewish tradition tasks us with carrying out the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." It is high time that we acknowledge the long history of police misconduct and take the necessary steps to address it. **I respectfully urge the committee to return a favorable report on SB178/HB120.**

SB178_HB120 - Laura Atwood.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 21, 2021

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TESTIMONY IN SUPPORT OF SB178/HB120

**Public Information Act – Personnel Records – Investigations of Law Enforcement Officers
(Anton's Law)**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Laura Atwood

My name is Laura Atwood, and I live in Silver Spring, in District 20. I am submitting this testimony as an individual, and in support of SB178 /HB120, Anton's Law.

I'm motivated by values and beliefs related to my experiences working in healthcare: that every person has deep, intrinsic value; that entities must try but cannot sufficiently police themselves due to inherent collegial loyalty as well as self-interest; and that dominant-culture organizations (regardless of self-perceived good intentions) manifest systemic racism and other biases that must be explicitly acknowledged and addressed.

The Maryland Public Information Act (MPIA) exists for an excellent reason; as the Washington Post now cheerily reminds us, "Democracy Dies in Darkness." While policing has its own structure and history, it exists in the context of a (fragile) democracy, and we need the vital safeguards of transparency and accountability. Police policies and practice ultimately seem to suggest that some individuals' value is negligible, relative to the career interests of police officers and the whole institution as it now stands.

I remember early in my career hearing about how in an earlier era, experienced surgeons would advise their nervous young colleagues: "You're entitled to one clean kill," meaning their work is inherently risky and they shouldn't be paralyzed by fear. Accompanying that was the counterpart: That mental carve-out is horrifying and is no longer true. (By the way, I'm a physical therapist and never heard such advice.)

Imagine if you couldn't even look up whether your future surgeon had any malpractice suits or disciplinary history. (By the way, you can and should--and also look up hospital information. And then you can apply critical thinking to whatever you discover.)

I believe that relying on self-policing is just unrealistic. There is an inherent conflict regarding loyalties to co-workers and loyalties to members of the public. I'm sympathetic to the plight of officers who see wrongdoing by the same co-workers who have saved their lives, or could; then add in notable self-interest if the co-worker has any level of dirt on that officer, plus self-interest of needing collegial working relationships to survive professionally (what happens to "snitches"?). Individuals and organizations have to keep relentless focus on dedication to the public above all; but there also has to be transparency to the outside world.

Racism and other types of bias are well-documented in every sphere of life, including policing--with deadly consequences. Allowing institutional secrecy is, de facto, accepting deaths disproportionately of Black and other vulnerable Marylanders.

I therefore respectfully urge a favorable report for SB178 /HB120.

Marinelli SB0178 support documentation.pdf

Uploaded by: Marinelli, Nicholas

Position: FAV

Nicholas Marinelli
8721 Cresthill Ct
Laurel, MD 20723
District 13

Testimony in support of Bill SB0178, Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

19 Jan 2021

TO: Chair Smith and members of the Senate Judicial Proceedings Committee

From: Nicholas Marinelli

Law enforcement is stretched thin across the entire country. Every day, police officers are thrust into difficult situations, many of which they don't have the proper training for. This often puts the officers in a position where they put themselves and others in danger that could have been otherwise avoided if someone with a more specialized skill set was deployed to support those officers.

Such was seemingly the case with the death of Anton Black in September 2018. At 19, Anton was more or less still a child, and his life was tragically cut short in an altercation with the police. It's been reported that Anton was severely mentally ill, and was unusually aggressive with the officers.

It's possible that this tragedy could have been avoided. It's possible that if mental health specialists could have been deployed to deescalate the situation in a non-violent manner. Alternatively, it's possible that there was no route for a peaceful resolution, and that the death was unavoidable. While all of these things are possible, it's currently **not possible** to do a thorough independent review of the incident to determine what lessons should be learned, because records relating to the incident are sealed away from public access.

SB0178 would allow greater access to these records, allowing a multidisciplinary collection of experts to analyze tragedies like Anton's, and enabling them to formulate plans to prevent it from happening in the future. The review may show that the officers were justified, it may show that they needed support that they didn't have, or it may show that the officers committed an egregious offence in their actions. Whatever it shows, that information will help better shape policy and procedure going forward, creating a safer environment for citizens and law enforcement alike.

I wholly support SB0178, and encourage you to do the same.



Nicholas Marinelli

Anton's Law Testimony.pdf

Uploaded by: McNary, Ethan

Position: FAV



January, 2021

Testimony on SB178
Reform Maryland Public Information Act (Anton's Law)
Judicial Proceedings

Position: **FAVORABLE**

I, Ethan McNary, on behalf of Sunrise Movement Baltimore, support SB178, Anton's Law.

Maryland's laws are among the worst in the country when it comes to the public's right to know whether a police officer is under investigation, the results of investigations, and whether officers have ever been disciplined.

Anton's Law is the beginning of long overdue legislation to address the failures in state law that allow corrupt and racist cops to routinely commit violence with impunity. If passed, the Act will increase transparency and accountability - two things the state has failed at routinely. Also, Anton's Law would create statewide use of force standards to address the disproportionate use of force against people of color by law enforcement.

We urge a **FAVORABLE** report for this vital legislation.

favorable testimony for SB178 - Anton's Law.pdf

Uploaded by: Mink, Kristin

Position: FAV

Favorable Testimony for SB 178 - Anton's Law

January 21, 2021

Senators,

Hello! My name is Kristin Mink, and I'm a resident of District 20. I'm also a mom, and a graduate of and former teacher for Montgomery County Public Schools. Thank you for taking the time to read my testimony. I support all five of the ACLU's policing priorities, and I'm writing today to express my support for reforming the MPIA and passing SB 178, Anton's Law.

In Maryland, 90% of complaints against officers made by the public are not sustained. We have seen numerous cases where officers have engaged in criminal misconduct, and in the criminal trials that follow, we learn of a long record of departmental charges where they were acquitted. The lack of meaningful oversight and accountability is causing great and preventable harm. The failure to pass Anton's Law again and again is allowing this harm upon your constituents to continue.

The public information act needs to be amended to make crystal clear that records of internal investigations will be treated like every other police record about every other member of the public. As those sworn to protect the community, the police should be under greater scrutiny and held to a higher standard, rather than the opposite.

Police need oversight by the COMMUNITY. Lack thereof undermines community trust in the police, because we all know that people who have nothing to hide, hide nothing. Anton's Law would still allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Passing Anton's Law is a small step toward repairing the broken trust between law enforcement and the people they are sworn to serve. As such, officers who truly put the community first should support it. But regardless, it's up to you, our electeds, to deliver the transparency and accountability needed to keep us safe.

The time — the moment — is now. Please be bold. Our community needs it and is ready for it. Please deliver a favorable report on Anton's Law, SB 178. Thank you!

Sincerely,

Kristin Mink

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Silver Spring, MD 20901

(301) 325-1578

CASA_FAV_SB178.pdf

Uploaded by: Paul, Cathryn

Position: FAV



Testimony in SUPPORT of SB178

*Public Information Act - Personal Records - Investigations of Law Enforcement Officers
(Anton's Law)*

Lydia Walther-Rodriguez on Behalf of CASA

Honorable Chairman Smith and Members of the Judicial Proceedings Committee:

CASA urges a favorable report on SB178, to amend the Maryland Public Information Act ("MPIA") in order to ensure adequate transparency in investigations of police officers.

CASA is the largest immigrant rights and services organization in the state of Maryland, representing tens of thousands of members across our state. Our members are working class immigrant families from Latin America, Africa, and the Caribbean, who have repeatedly expressed fear and doubt about filing complaints against police officers. Take for example the case of our member David, from Annapolis, who was brutalized by Annapolis police officers in 2018. Officers claimed to confuse David with a suspect at large, and left David hospitalized and his family traumatized during the incident. Our member was confronted with pleading with the officers to call an ambulance, after the confused identity was cleared up. Yet, David felt intimidated trying to report the incident, as three officers later came to the hospital room and urged a signed statement that very night. He began consulting with an attorney on his case, as he felt it might be a repeating offense by the officers, yet ultimately dropped the case due to his fear of retaliation.

David's case is one of dozens of cases reported by our membership. Many members are afraid that their complaints will result in retaliation or other negative consequences, or at best that their complaints will not be taken seriously.

For far too long, police in Maryland have been allowed special treatment and special rights that have shielded police misconduct, and the disciplinary process that supposedly addresses that misconduct, from public view. It is time for victims of police misconduct and communities seeking to address patterns of misconduct to hold police accountable. One place to start is by ensuring that people who have experienced police misconduct can find out whether their complaints were taken seriously, and by ensuring that the public can scrutinize how government agencies hold their employees accountable.

Currently, the MPIA prevents the public from accessing investigation or disciplinary records for police officers accused of misconduct under a blanket prohibition for personnel records. But police misconduct is not the kind of private information targeted by the prohibition on personnel records. Communities have a right to know what misconduct exists in the policing of their neighborhood and how their local police department has handled it. Anton's Law clarifies that records of police misconduct should not fall under the generic definition of personnel records.

Anton's Law would not grant unfettered access by the public to these records, but balances the interests of the community with the interests of law enforcement rather than entirely shielding officer misconduct from public view. Instead of automatically denying public access to these records, Anton's Law would allow a custodian to deny them on a discretionary basis if there are valid public safety or privacy concerns.

The public has a right to know whether their complaints against public employees – employees whose salaries are paid by taxpayers – are taken seriously by the government. That cannot happen under the current MPIA. As we strive to increase community trust in police by improving systems of transparency and accountability when officers step over the line, SB178 will be a big step forward.

For all of these reasons, CASA urges a favorable report on SB178.

Lydia Walther-Rodriguez
CASA Baltimore & Central Maryland Region Director
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2021.01.19- NAACP LDF Testimony on MD SB 178 - Per

Uploaded by: Petty , Agbeko

Position: FAV

January 19, 2021

Via Electronic Delivery

William C. Smith, Jr., Chair
Jeffrey D. Waldstreicher, Vice Chair
Senate Judicial Proceedings Committee
Maryland Senate
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401 - 1991

RE: Senate Bill 178: Public Information Act-Personnel Records – Investigations of Law Enforcement Officers - **Favorable**

Dear Chairperson Smith and Vice Chairperson Waldstreicher:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF),¹ we appreciate the opportunity to submit written testimony in support of Senate Bill (SB) 178, which would amend the Maryland Public Information Act (MPIA) to permit the release of records relating to police misconduct investigations and disciplinary decisions. This bill would align Maryland with states that allow public access to a range of police disciplinary records.² LDF supports this bill because it promotes the transparency that is an essential component of accountability. SB 178 appropriately recognizes the public's interest in transparency in law enforcement officers' misconduct complaint histories and permits access to administrative or criminal investigatory records subject to reasonable limitations that balance the rights of officers and the interests of the public.

Currently, the MPIA prohibits the release of personnel records, and Maryland's appellate court has interpreted this prohibition to include records relating to hiring, promotion, dismissal, and discipline of

¹ Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957. LDF's work to address police violence and misconduct dates back to its inception. *See, Shepherd v. Florida*, 341 U.S. 50 (1951) (reversing the convictions of Black men accused of raping a white woman in 1949; the men were brutally beaten by sheriff's deputies in an attempt to force confessions). Today, LDF's Justice in Public Safety Project uses litigation, policy advocacy, research, community organizing, and strategic communications to: (1) ensure accountability for police brutality and misconduct through community oversight and changes to laws and policies; (2) promote policing and public safety practices that eliminate the pernicious influence of racial and other biases; and (3) support a new paradigm of public safety that drastically reduces the presence of armed law enforcement in communities of color.

² Indeed, a dozen states give members of the public more access to police discipline records than Maryland. *See* Brief of Amici Curiae NAACP Legal Defense and Educational Fund, *et al.*, [Uniformed Fire Officers Association, et al. v. Bill de Blasio, et al.](#), Case No. 1:20-cv-05441-KPF, 16 (S.D. N. Y. Aug. 18, 2020) (providing overview of states that allow public access to police misconduct complaints and disciplinary records); *see also* Robert Lewis, *et al.*, [Is Police Misconduct a Secret in Your State](#), WNYC NEWS, Oct. 15, 2015; Erin Durkin, [NYCLU publishes more than 300,000 NYPD misconduct complaints after judge's ruling](#), Politico, Aug. 20, 2020.

public employees.³ Consequently, persons who have filed complaints against law enforcement officers for misconduct know little about the investigative process or the outcome.⁴ This shroud of secrecy has led to a lack of public confidence in the investigation of police complaints.

If SB 178 passes, the MPIA would continue to permit a custodian to deny disclosure of police misconduct investigatory records if release of the information would: interfere with a law enforcement proceeding or deprive a person of a right to a fair and impartial trial among other circumstances.⁵ Similarly, a dozen other states generally allow for the release of police disciplinary records with narrow exceptions to protect personal privacy or where investigations have not been completed.⁶ These safeguards appropriately balance public employees' privacy interests and the public's right to know about the investigation and outcome of misconduct complaints against public employees. Any denial of records should be exercised judiciously given the public's strong interest in understanding the complaint history of officers with whom they interact. Members of the public should be permitted in most cases, subject to limitations in the MPIA, § 4-351(b), to evaluate the complaint histories of officers who serve, and exercise their law enforcement authorities, in their communities.

SB 178 appropriately allows access to police misconduct investigations without making a distinction in the type of misconduct alleged or the outcome of the investigation. Likewise, it rightly balances the privacy interest of public employees and the public's interest in police accountability for misconduct. Therefore, we urge the Committee to vote in favor of SB 178. Doing so would usher in the type of transparency in police misconduct complaints that the public deserves.

Thank you for considering our testimony. If you have questions, please do not hesitate to contact us at 202-682-1300.

Sincerely yours,



Puneet Cheema
Manager, Justice in Public Safety Project

Monique L. Dixon
Deputy Director of Policy & Director of State
Advocacy

cc: Senator Jill Carter

³ See e.g., *Montgomery County v. Shropshire*, 23 A.3d 205, 214 (Md. 2011).

⁴ U.S. Dep't of Justice C.R. Div., *Investigation of the Baltimore City Police Department*, 148 (Aug. 10, 2016) (concluding that the MPIA "has repeatedly blocked attempts to access information about the resolution of complaints and other issues of public concern related to BPD's policing activities."), available at <https://www.justice.gov/opa/file/883366/download>.

⁵ See MD. CODE ANN., GEN. PROVISIONS § 4-351(b).

⁶ For example, police disciplinary records in Florida and Georgia are public once the investigations are complete. See FLA. STAT. § 112.533(3)(a) and GA. CODE ANN. §50-18-72(a)(8); see also Brief of Amici Curiae NAACP Legal Defense and Educational Fund, et al., *Uniformed Fire Officers Association, et al. v. Bill de Blasio, et al.*, Case No. 1:20-cv-05441-KPF, 16 (S.D. N. Y. Aug. 18, 2020).

TESTIMONY FOR SB0178 Public Information Act - Poli

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0178
PUBLIC INFORMATION ACT – PERSONNEL RECORDS – INVESTIGATIONS OF LAW
ENFORCEMENT OFFICERS (ANTON’S LAW)**

Bill Sponsor: Senator Carter

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0178 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

Police officers have enjoyed rights that we, as citizens, don't have. We gave them special rights because of the nature and difficulty of the job that they do. We expected that those rights would be respected, but we have come to discover that in some cases, those rights are being used as a shield to hide reprehensible conduct.

We need transparency when the rights of citizens have been disregarded by the very people sworn to protect them. Only then can we maintain the trust that the population must have for those who serve and uphold the law.

We understand the need to keep personnel records safe and private. However, when an investigation into the conduct of a police officer is underway, those records should be available in order to provide transparency and ensure that the investigation is fair and unbiased. We believe they should not be shielded, but be openly available.

We support this bill and recommend a **FAVORABLE** report in committee.

Ltr to SJPC 1 18 21_0001.pdf

Uploaded by: Plymyer, David

Position: FAV

David A. Plymyer
717 Maiden Choice Lane #207
Catonsville, MD 21228-6114
dplymyer@comcast.net
410-979-2505

January 18, 2021

Hon. William C. Smith, Jr., Chairman
Maryland State Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

SUBJECT: SB 178 – Favorable

Dear Senator Smith:

I urge favorable consideration of SB 178. It is a modest but important step toward transparency of police disciplinary records. There is no accountability for any governmental activity without transparency. That goes double for law enforcement because so much is at stake. No other governmental function has the potential for such a direct and immediate impact on individual citizens, up to and including depriving them of their liberty and even their lives.

SB 178 sensibly reclassifies police disciplinary records from a categorical to a discretionary exemption (“permissible denial”) from disclosure under the MPIA. The discretion of a custodian to deny inspection by a “person in interest” is limited to specific circumstances. For other persons seeking inspection, the law allows individual jurisdictions and their police departments to craft policies for inspection best suited to their individual needs. The Maryland Court of Appeals held in *Caffrey v. Department of Liquor Control*, 370 Md. 272 (2002), that a local government could by law waive in whole or in part the right of its officials to assert permissible denials under the MPIA.

Personally, I favor unrestricted public access to records of police discipline arising from dishonesty or untruthfulness, or verbal or physical abuse of a citizen – in other words, matters that directly affect an officer’s fitness to be a police officer. SB 178 is a step in the right direction and would allow local governments to adopt broader access to police disciplinary records than state law requires.

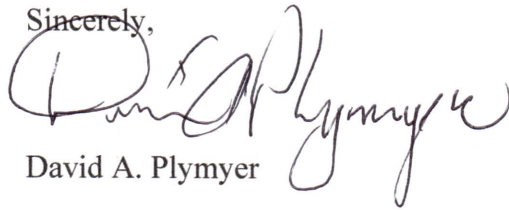
Finally, I would like to address the suggestion by some that bills such as SB 178 are “anti-police.” That accusation is false and offensive. Both as an assistant state’s attorney and as County Attorney for Anne Arundel County I worked with police officers in various capacities. Many of the officers were among the finest public servants whom I have had the privilege to know. The idea that it is “anti-police” to recognize that we must do a better job of identifying and removing bad cops is preposterous.

Effective law enforcement is absolutely essential. To be effective, a police department must earn and retain the trust of the citizens it serves and protects. Where that trust has been lost, it will be regained only through transparency and accountability.

SB 178 is not anti-police. It is about restoring police officers to their rightful, and necessary, positions of respect within their communities in the interests of keeping all of us – including police officers – safe.

Thank you very much for considering my written testimony in favor of SB 178.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Plymyer". The signature is written in a cursive style with a large initial "D" and a long, sweeping tail.

David A. Plymyer

SURJfor SB 178 - MPIA Reform.docx.pdf

Uploaded by: Robson, Letitia

Position: FAV



Dear Members of the House Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. I am a resident of MD District 43. I am testifying **in support of Senate Bill 178**.

Senate Bill 178 which will reform the Maryland Public Information Act to allow details of the investigations of police misconduct to be disclosed. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,

Sandy Robson

2108 Erdman Ave, Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB178 testimony.pdf

Uploaded by: Rock-Foster, Charlene

Position: FAV

I am testifying in favor of SB178: Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law).

I had family members, friends, and associates struggle to get access to officers' records when they filed misconduct complaints. It has been a frustrating experience to go through. I thought it was something of an anomaly however I discovered there are policies in place that literally protects officers from accountability of transparency. When the public does not know the depth and status of the investigation, the public does not know if a particular officer is a repeated offender of acts that should have gotten them off the force. It is literally impossible to get accountability if there is the systematic blocking of access to records that would have bring about a proper resolution.

By reforming the Maryland Public Information Act, there is the removal of the barriers to get proper resolution to an investigation. I believe that no family should have endured mine endured, nor other families to include Anton Black's family-who are still looking for answers as to what happened to him. Thank you for doing your part to make the changes to bring about equity in reforms.

Charlene Rock-Foster

Baltimore City Resident

SB 178 Anton Black's Law.pdf

Uploaded by: Schablein, Jared

Position: FAV

TESTIMONY FOR SB 178

Bill Sponsor: Senator Carter

Committee: Senate Judicial Proceedings

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Sam Harvey

Position: FAVORABLE

I am submitting this testimony in favor of SB 178 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive Movement.

Caucus members consistently support legislation that builds toward a more perfect justice system, and legislation that promotes the highest level of transparency possible, toward the greater ability of the people to review the ways its government operates.

Following the tragic death of Anton Black, on September 15, 2018, his family and friends sought for ways to change the system, to prevent tragedies like the one they and so many others had suffered, from befalling others. They sought a requirement that law enforcement should release information about any investigations into incidents like this, and that law enforcement should release information about any prior complaints against the involved officers.

There is some risk that the release of prior complaints could lead to a diminution of the investigated officers' rights to due process, as these incidents could be “tried in the media” once their records are made public. SB 178 effectively safeguards against this risk, granting the custodian the ability to deny inspection if it would “deprive another person of a right to a fair trial or an impartial adjudication.” This seems just – the civil rights of one party must not be sacrificed to advance the civil rights of another.

However, the degree of risk that the civil rights of law enforcement officers may be diminished, must be set against the absolute certainty that all of Anton Black's civil rights were entirely extinguished at age 19, and that is the most important issue and the one we must remain focused on.

That Anton Black's family and friends had to wait, and wait, for answers – that was cruel and unnecessary (and when those answers finally came, they only confirmed what many had pessimistically suspected). The system that rehired an officer who'd been fired from a different department, who had a record of being physically abusive to a suspect in custody, is not likely to change unless the people are given these records in the very instants following the occurrence of these tragedies. Without this information, all arguments seem strictly emotional, and therefore carry less weight. It could be argued that the emotional pain of grieving families should provide sufficient pressure to affect changes in policy, but in this world it takes cold, hard facts.

These family members and friends should have this information immediately – not months and months later. It's already too much to ask that they should bear the responsibility for pressuring the system into changing, but we must face the harsh reality that the system hasn't changed, and it appears unlikely that it ever will, without that kind of public pressure. To apply this pressure in an effort to continually improve our justice system is in the best keeping with our democratic ideals, and this bill provides the necessary tools for that work. I urge you to support SB 178.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.

Gabriela Sevilla HPRP Anton's Law Written Testimon

Uploaded by: Sevilla, Gabriela

Position: FAV



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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Paralegals

Imani Walton
Administrative Assistant

January 19, 2021

Re: Written Testimony In Support of SB 178/ HB 120-- Anton's Law

Dear Senate Judicial Proceedings Committee:

My name is Gabriela Sevilla and I am an Equal Justice Works Fellow at Homeless Persons Representation Project leading a new Medical- Legal Partnership serving the legal needs of persons experiencing homelessness in Baltimore City. Homeless Persons Representation Project is one of 75 organizations that represent the Maryland Coalition for Justice and Policy Accountability and we support the passing of Anton's Law.

Currently when community members file a complaint of police misconduct they are not given access to how the department investigated the complaint because it becomes part of the officer's "personnel record" under Maryland's Public Information Act, and may never be disclosed. The community member would only be able to find out the outcome and any discipline. The actual process of the investigation is left a secret to the community and most egregiously the person who filed the complaint. This process does not promote community oversight and further deteriorates community trust in police. There should not be any secrets if we have the same goal of ensuring officers are upholding their values of being honest and dedicated public servants.

This process does not have to be this way, twenty- nine other states make disclosure of complaint files more accessible to the public than Maryland. This bill would remove the complaint file from the personnel record category, thereby allowing the police department to disclose information to the community member of how the investigation of police misconduct was conducted. This is what justice looks like. Just like a victim may attend the trial of someone who committed a crime against them, a person who submits a complaint of police misconduct should be given access to the complaint file in order to learn how the investigation was conducted.

We need the community to trust police especially at a time where Baltimore City had over 300 murders last year, there are daily reports of police brutality against black lives and people in a mental health crisis across the country, and the unearthing that among those who stormed the capital earlier this month were police officers who aligned themselves with the alt-right movement. It is in the best interest of the community and the police departments that serve them that we work to rebuild community trust with police.

Please support SB 178/ HB 120- Anton's Law if you want to see a Maryland with a restored sense of trust in the police.

Sincerely,

Gabriela Ines Sevilla, Esq.
gsevilla@hprplaw.org.

SB178_MNADV_FAV.pdf

Uploaded by: Shapiro, Melanie

Position: FAV



BILL NO: Senate Bill 178
TITLE: Public Information Act - Personnel Records - Investigations of Law
Enforcement Officers (Anton's Law)
COMMITTEE: Judicial Proceedings Committee
HEARING DATE: January 21, 2021
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 178.**

Domestic violence remains one of the most underreported crimes with almost 600,000 unreported incidents of nonfatal domestic violence victimizations occurring each year between 2006-2015.¹ It is estimated that women in approximately 40% of police officer families experience Officer Involved Domestic Violence (OIDV).² In OIDV cases, a victim might not seek the help of the police because their abuser is a police officer.³

In a 2015 survey, 88% of victims of domestic violence or sexual assault reported that police “sometimes” or “often” do not believe victims or blamed victims for the violence.⁴ In that same survey, 83% of the those surveyed thought police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously.⁵ Over 80% believed that police-community relations with marginalized communities influenced survivors’ willingness to call the police.⁶

SB 178 creates critical transparency for survivors of domestic violence, whether that violence was reported to the police or committed by a police officer. If an officer is investigated for either being the abuser in OIDV or the handling or mishandling of a domestic violence event, the

¹ Brian A. Reaves, Ph.D., *Bureau of Justice Statistics, Police Response To Domestic Violence, 2006-2015*, 2017, https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5907&utm_source=juststats&utm_medium=email&utm_content=prdv0615_report_detail_page&utm_campaign=prdv0615&ed2f26df2d9c416fbddddd2330a778c6=lohfkfgkz-lktztdoo

² Razaqat Cheema, *Black and Blue Bloods: Protecting Police Officer Families from Domestic Violence*, 54 Fam. Ct. Rev. 487, 489 (2016).

³ *Id.*

⁴ ACLU, [Responses from the Field: Sexual Assault, Domestic Violence, and Policing](#), 2015.

⁵ *Id.*

⁶ *Id.*

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org



survivor should be able to see the full extent of the investigation to ensure that it was conducted comprehensively and fairly. Greater transparency can help build trust between the police and victims of domestic violence, in particular the victims that are part of already marginalized communities.

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report on SB 178**.

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org

4601 Presidents Drive, Suite 300 • Lanham, MD 20706
Tel: 301-429-3601 • E-mail: info@mnadv.org • Website: www.mnadv.org

SB 178 - MPIA Reform.pdf

Uploaded by: Smeton, Jonathan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs (CJSJ). I am a resident of MD District 43. I am testifying **in support of Senate Bill 178**.



Senate Bill 178 which will reform the Maryland Public Information Act to allow details of the investigations of police misconduct to be disclosed. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,

Jonathan Smeton

3140 Ellerslie Avenue,

Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

SB 178 - MDDC Press - SUPPORT.pdf

Uploaded by: Snyder, Rebecca

Position: FAV



Maryland | Delaware | DC Press Association

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | rsnyder@mddcpress.com

www.mddcpress.com

To: Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: January 21, 2021

Re: SB 178 - SUPPORT

The Maryland-Delaware-District of Columbia Press Association represents news media in Maryland. Our members range from large metro dailies such as The Washington Post and Baltimore Sun, to local dailies such as the Daily Times and Herald-Mail to niche and online publications such as The Daily Record and Maryland Matters. The Association supports SB 178 and urges a favorable report.

SB 178 is a straightforward bill that would bring needed transparency into complaints of police misconduct. Currently, formal complaints of police conduct are classified as personnel records which are not subject to disclosure under Maryland's Public Information Act. This bill reclassifies records of investigations into alleged employee job misconduct as "investigatory records" rather than "personnel records" and thus are not categorically barred from disclosure under the MPIA. Those records would be in the permissible disclosure category, subject to protections to protect privacy, ongoing investigations, and other legitimate interests.

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. Nearly every year, there are notable investigations where the use of personnel records are critical, either by inclusion or absence.

One of the most visible examples is Baltimore's Gun Trace Task Force, reported extensively by Justin Fenton of the Baltimore Sun and others (June 2019, <https://news.baltimoresun.com/cops-and-robbers/part-one/>). It is shocking for many to see the long term pattern of misconduct by members of the GTTF. Had this law been in place during the reign of the GTTF, reporters, advocates and the general public may have been able to connect the dots more quickly to uncover the misconduct.

**We believe a strong news media is
central to a strong and open society.**

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In another example, 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.

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. The Press Association urges a favorable report.

SB 178 - Public Information Act - Personnel Record

Uploaded by: Soreng, Nancy

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 178 - Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

POSITION: Support

BY: Lois Hybl and Richard Willson – Co-Presidents

Date: January 21, 2021

On June 25, 2020 at the National Convention of the League of Women Voters of the United States the following resolution was adopted: The League of Women Voters shall advocate against systemic racism in the justice system and, at a minimum, for preventing excessive force and brutality by law enforcement. We also call for prompt actions by all League members to advocate within every level of government to eradicate systemic racism, and the harm that it causes.

Maryland's Public Information Act (MPIA) prohibits disclosure of disciplinary files. If one files a complaint of police misconduct, only the outcome of investigation may be revealed. The public does not know whether the investigation was thorough. For example, what evidence did they look at, who was interviewed, did they review body camera footage? Secrecy about investigations is undermining the trust that police are being held accountable for their actions.

SB178 would change the law to state that investigation of misconduct by a law enforcement officer, including an internal investigatory record, a hearing record and records relating to a disciplinary decision would **not** be considered personnel records and therefore remove police discipline files from the "**shall deny**" section of the MPIA and put them in the "**may deny**" section of the MPIA.

According to the ACLU, Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public. Even in conservative states, like Alabama, Georgia, and Arizona, police disciplinary records are generally available to the public.

We urge a favorable report on SB 178.

SB 178 - MPIA Reform.docx.pdf

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the House Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs (CJSJ). I am a resident of MD District 10. I am testifying **in support of Senate Bill 178**.



Senate Bill 178 which will reform the Maryland Public Information Act to allow details of the investigations of police misconduct to be disclosed. I request that you commit to reforming the MPIA because police accountability on a local level is impossible without it.

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Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 178 to reform the Maryland Public Information Act.

I appreciate your time, service, and consideration. Thank you for your leadership and willingness to make the bold changes that meet this moment!

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown MD, 21136

Showing Up for Racial Justice Baltimore

SB178 - Public Information Act–Personnel Records–I

Uploaded by: Tulkin, Josh

Position: FAV



7338 Baltimore Ave
Suite 102
College Park, MD 20740

Committee: Judicial Proceedings

Testimony on: SB178 – “Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton’s Law)”

Position: Support

Hearing Date: January 21, 2021

The Maryland Sierra Club supports SB178 and urges a favorable report.

The Sierra Club is a strong supporter of federal and state policies that increase transparency and public access to documents. We believe that sunlight is the best disinfectant. Over its 125 years, the Sierra Club has been an advocate for government transparency, supporting public information and whistleblower laws at the state and national level.

Environmental activists are often on the front lines of protests, and have been victims of police abuse. So we understand the importance of transparency in cases of police misconduct. We know that when information is kept from the public, it creates a barrier to progress, whether the issue is environmental reforms or police reforms.

The current Maryland Public Information Act (MPIA) process allows critical information about police investigations of misconduct to be kept secret. However, the MPIA process already provides for ways to protect people’s privacy, and that could be applied to police investigations as well.

This bill would create consistency in the implementation of the MPIA and put in place another tool to move toward addressing racial disparities related to policing.

Finally, our support for this bill is part of a Sierra Club’s broader engagement on police reform bills and efforts to center racial and economic justice in our work. The Sierra Club Maryland Chapter works to ensure that all Marylanders grow up in safe, healthy, sustainable communities. We recognize that our state cannot achieve this mission while Black and Brown people experience disproportionate harms in their communities and less reliable access to justice.

In June 4, 2020, the Sierra Club signed a statement of solidarity with the Movement for Black Lives, which begins as follows:

As organizations striving for climate justice and environmental protection, we cannot be silent in the face of the murders of George Floyd, Ahmaud Arbery, Breonna Taylor, Tony McDade, and countless others. This moment has laid bare

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

the long and shameful history of institutional and systemic racism against Black and Brown people in this country. We demand action.

We urge the Committee to report this bill favorably.

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

SB 178 Antons law.pdf

Uploaded by: Webber, Ben

Position: FAV

Ben Webber
5471 Autumn Field Court
Ellicott City, Maryland 21043
District 9B

TESTIMONY IN SUPPORT OF SB 178, Public Information Act – Personnel Records –
Investigations of Law Enforcement Officers (Anton’s Law)

1/21/2021

TO: Chair Smith and members of the Senate Judicial Proceedings Committee

FROM: Ben Webber

Chair Smith and members of the Judicial Proceedings Committee, my name is Ben Webber, I live in Ellicott City, MD, and I am writing to support Anton’s Law, SB 178.

Anton’s Law would prevent the continuation of injustice throughout law enforcement departments in Maryland, and allow Maryland to join the majority of states that do not classify complaints against officers as protected personnel files. 90% of complaints against officers made by the public are not sustained, which damages Marylanders’ trust in those officers. Transparency of investigative procedures is necessary to prevent repeated cases of flagrant officer misconduct, sometimes criminal misconduct, only for them to be acquitted long after the investigation has been determined unsustainable. This helps no one but the unsustainable officers, and harms members of the community, primarily people of color. After the global outcries throughout 2020, this legislation can no longer wait. It must be enacted now if trust in Maryland law enforcement is to be rebuilt.

I urge you to support SB 178 and help ensure that Maryland’s law enforcement is being held to the highest standards of conduct. If you do not want the bad apples to spoil the bunch they must be removed. And as with cancer the only way to treat the disease is to properly identify, detect, and expose the problem.

-Ben Webber

MPIA Reform testimony.pdf

Uploaded by: Yoder, Daryl

Position: FAV

I am a resident of District 12 and a member of Showing Up for Racial Justice Baltimore

I am testifying in support of bill (HB0120/SB0178) which will reform the Maryland Public Information Act. Police accountability on a local level is impossible without this step.

Currently, police misconduct investigations are considered "personnel records" and thus are not available for request under the Public Information Act. Passage of this policy will change this definition, resulting in an increase in police accountability, by ensuring victims and the media can get the details of how an investigation of complaints of police misconduct was handled. Additionally, it is imperative this legislation includes both sustained and unsustained cases, so citizens can get a full picture of an officer's history.

Police need community oversight. Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect. If police departments are investigating officer misconduct thoroughly, there should be nothing to hide.

Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information. Also, it's vital that unsustained complaints are covered, since they comprise the vast majority (90%) of investigations. Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

That full picture of an officer's history also can ensure that police departments across the state make hiring decisions that will be a credit to their department. A Florida study published in the Yale Law Journal found that police officers who are fired tend to get rehired by another agency within three years. Officers who've been fired tend to move to smaller agencies with fewer resources and slightly larger communities of color. When a "wandering officer" gets hired by a new police department, they tend to get fired about twice as often as other officers and are more likely to receive "moral character violations," both in general and for physical and sexual misconduct. (https://www.washingtonpost.com/politics/2020/06/16/what-happens-when-police-officer-gets-fired-very-often-another-police-agency-hires-them/?utm_campaign=wp_post_most&utm_medium=email&utm_source=newsletter&wpisrc=nl_m_ost). This bill will allow police departments to make hiring decisions that will better serve the communities they protect and also will allow them to avoid the costs in potential lawsuits and reputation that can result from hiring blind.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public.

It is for these reasons that I am encouraging you to vote in support of (HB0120/SB0178) to reform the Maryland Public Information Act.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228

01.19.2021 Audio Testimony to Maryland Senate Judi

Uploaded by: Marjanovic, Sophia

Position: FWA

I am Dr. Sophia Marjanovic, PhD in immunology and microbiology

I trained at NIH in Bethesda.

I am of the Oceti Sakowin tribe.

I am a survivor of domestic violence and police misconduct that lead me to lose my 28 month old breastfeeding son

In 2012, I was attacked holding my 10 day old newborn son.

I called the police.

This began the nightmare of dealing with domestic abusers on the police force coordinating with abusers to dominate and control survivors.

I lost custody of my son to our abuser.

Officer Freddie Charles, with a history of domestic violence is in charge of the Supervised Visitation Unit of the Anne Arundel County Sheriff's Department.

He claimed he fears for his life around me because I video record all interactions and have gotten unethical people reprimanded.

In 2016, I got a provision in HB1016 for civilians to get outcomes of investigations of our complaints about police officers.

The way the bill was written leaves us unable to get the reports

My nightmare has continued since I last testified here:

Anne Arundel County Sheriff's Department asked me how much I was willing to pay to see my son.

Police are considered neutral witnesses in courts despite getting paid overtime to attend court hearings

I have suffered for years, even becoming completely debilitated from pain struggling to feel safe in my own body.

I eventually became homeless and enslaved in human trafficking as a result.

I have been in therapy for years trying to heal, but when the system is so unsafe, I need the system to be repaired to BE safe.

.

40% of law enforcement are domestic abusers.

4 women and 4 children are killed every day in the US by domestic violence.

I demand that you release ALL disciplinary records of ALL public employees in the state of Maryland as the whole system is complicit in keeping my son in danger in the custody of an abuser.

My other demands to abolish the police and replace the police with safer systems are outlined in my written testimony that I have already submitted to you.

Social Workers, judges, prosecutors, public defenders, court clerks, etc. are part of a broken system systematically terrorizing the most marginalized people in Maryland. In fact, when I reported my son's disclosure of sexual abuse at his daycare in which his father had him, Ms. Brown of the Maryland Child Protective Service told me that she had taken my son, who was not even 3 years old yet, into a room by himself with her asking him direct questions. This is not the appropriate procedure to investigate child sexual abuse on children under 10 years old. When I told Ms. Brown this, she scoffed that I'm just going to have to get the law changed. That was back in 2015. It is now 2021. My son is now over 8.5 years old with no protection because you have not taken the protection of our children seriously.

I demand that you allow one party consent audio recording to truly allow for transparency and accountability in the state of Maryland in removing corruption from our public serving institutions.

I demand that you abolish the police.

This system is broken and cannot be reformed.

I demand that you appropriate funds to build safe houses for every 150 citizens for survivors of domestic violence to safely seek refuge.

I demand that you appropriate funds to build an office where only specialists in the dynamics of domestic violence intervene in domestic violence and help survivors.

Let's make sure those specialists don't have a history of domestic violence like 40% of law enforcement does.

I demand that instead of the police that you appropriate funds to send psychiatrists and psychologists to our systematically traumatized Native American, Black, Latinx, LGBTQ2S, disabled and poor communities.

I also demand improved accountability mechanisms for such psychiatrists and psychologist first responders.

I have successfully gotten an unethical psychologist determined a danger to the public here in the State of Maryland, so I know we need improved accountability for protecting the public from unethical people in positions of power in Maryland.

I demand that instead of the police that you appropriate funds to community based programs for trauma informed conflict resolution and restorative justice.

The United States was built on generations of traumatizing Native American, Black and Latinx people.

Let's work to heal instead of punish those of us who are systematically traumatized.

01.19.2021 Written testimony to Maryland Senate Ju

Uploaded by: Marjanovic, Sophia

Position: FWA

I am Dr. Sophia Marjanovic. I am of the Fort Peck Oceti Sakowin and Ipai tribes Indigenous to the United States. I am the daughter of a police officer and federal officer. I have a PhD in immunology and microbiology from George Washington University. I came to Maryland to do my PhD thesis training at the NIH in Bethesda, MD.

In 2012, I was attacked while I was holding my 10 day old newborn son and our abuser then almost shoved my sister down the stairs. I did what we are supposed to do and called the police. This began my journey as a law abiding citizen into the nightmare of dealing with domestic abusers on the police force and the retaliation they exert in coordination with our domestic abusers as a way to dominate and control survivors.

Despite begging the police to escort me out of the house, the police instead told me that our domestic abuser and his mother were leaving. As soon as the police left, our domestic abuser and his mother returned back to the house. My sister and I were terrified. We called the police again. One of the new officers was informed about domestic violence and finally escorted us out of the house.

Eventually, I lost custody of my son to our domestic abuser in the courts as the officer Freddie Charles, who has a history of domestic violence and is in charge of the Supervised Visitation Unit of the Anne Arundel County Sheriff's Department, worked in coordination with our domestic abuser to continue to exert domination and control over my son and me. Freddie Charles even claimed to the court that he fears for his life around me and that all officers of Anne Arundel County should fear for their lives around me because I video record all interactions with him and have been successful at getting unethical people reprimanded. As I have sought accountability for Officer Freddie Charles, I have encountered too many overwhelming challenges including testifying and successfully getting a provision in HB1016 in 2016 for civilians to get the outcomes of investigations of their grievances we file about police officers. I have since learned that the way the bill was written leaves many of us civilians without any ability to get the outcomes of the investigations. The Anne Arundel County Sheriff's Department even asked me how much I was willing to pay to see my son. In the courts, Judge Allison Asti cited that police are neutral witnesses and through her discretion, ruled that Officer Freddie Charles, a police officer with a domestic violence history getting paid overtime to attend our court hearings, had more credibility than me, a survivor of domestic violence. When I reported my son's disclosure of sexual abuse at his daycare in which his father had him enrolled, Ms. Brown of the Maryland Child Protective Service told me that she had taken my son, who was not even 3 years old yet, into a room by himself with her asking him direct questions. This is not the appropriate procedure to investigate child sexual abuse on children under 10 years old. When I told Ms. Brown this, she scoffed that I'm just going to have to get the law changed. That was back in 2015. It is now 2021. My son is now over 8.5 years old with no protection because you have not taken the protection of our children seriously. The last time I saw my son he had been diagnosed with a sexually transmitted disease and was suffering due to the pain of not having it treated, I have been suffering for years to feel safe knowing that the police and courts don't protect survivors. I have even become completely debilitated where every single molecule in my

body feels to be in intense pain for weeks on end as I suffer to feel safe in my own body. I eventually became homeless and enslaved in human trafficking as a result of this grave injustice I have experienced from the police coordinating with my domestic abuser to exert domination and control over my son and me. I have been in therapy for years doing the work to try to heal, but when the system is so unsafe, I need the system to be repaired in order to feel safe.

Law enforcement is the field of work with the most domestic abusers. 40% of law enforcement are domestic abusers. Having survivors of domestic violence call police when we have a nearly 50% chance of encountering a domestic abuser is absurd. On average, 4 women are killed per day in the USA, mostly by a domestic abuser. Between 2009 and 2018, 80 percent of child victims of mass shootings died in incidents connected to domestic violence meaning that on average, 4 children per day are being killed by gun related domestic violence. Mind you, this is an underestimate of the children killed each day by domestic violence as guns are not the only way that children are killed.

I demand that you release ALL disciplinary records of ALL public employees in the state of Maryland so that we civilians may have real accountability. The police aren't the only problem. Social Workers, judges, prosecutors, public defenders, court clerks, etc. are part of a broken system systematically terrorizing the most marginalized people in Maryland.

I demand that you allow one party consent audio recording to truly allow for transparency and accountability in the state of Maryland in removing corruption from our public serving institutions.

I demand that you abolish the police. This system is broken and cannot be reformed. I demand that you appropriate funds to build safe houses for every 150 citizens for survivors of domestic violence to safely seek refuge. I demand that you appropriate funds to build an office where only specialists in the dynamics of domestic violence intervene in domestic violence and help survivors. Let's make sure those specialists don't have a history of domestic violence like 40% of law enforcement does.

I demand that instead of the police that you appropriate funds to send psychiatrists and psychologists to our systematically traumatized Native American, Black, Latinx, LGBTQ2S, disabled and poor communities. I also demand improved accountability mechanisms for such psychiatrists and psychologist first responders. I have successfully gotten an unethical psychologist determined a danger to the public, so I know we need improved accountability for protecting the public from unethical people in positions of power in Maryland.

I demand that instead of the police that you appropriate funds to community based programs for trauma informed conflict resolution and restorative justice. The United States was built on generations of traumatizing Native American, Black and Latinx people. Let's work to heal instead of punish those of us who are systematically traumatized.

References for statistics cited in this testimony:

<https://www.theatlantic.com/national/archive/2014/09/police-officers-who-hit-their-wives-or-girlfriends/380329/>

<https://www.psychologytoday.com/us/blog/mind-games/201909/the-number-women-murdered-by-partner-is-rising>

<https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/>

MCPA-MSA_SB 178 Investigations of law Enforcement

Uploaded by: Morris, David

Position: FWA



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 David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 21, 2021

RE: **SB 178 Public Information Act – Personnel Records – Investigations of Law
Enforcement Officers (Anton’s Law)**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 178 WITH AMENDMENTS. As introduced, SB 178 would establish that a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a personnel record and therefore not subject to the mandatory denial of inspection under the Public Information Act.

MCPA and MSA supports efforts to enhance law enforcement transparency and accountability but cannot support the approach outlined in SB 178. This bill would increase the risk to officers' personal safety and that of their families, damage law enforcement's efforts to further establish relationships within some of our most vulnerable communities, and risk compromising the integrity of due process for both officers and the communities they serve. The broad release of investigative and disciplinary files (by anyone, at any time) risks many detrimental effects, and there is no way to prevent re-disclosure or publication of this information.

Instead, MCPA and MSA suggest 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. This legislation, introduced last year as SB 1029, will give Chiefs and Sheriffs the legal authority 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. The approach outlined in last year's bill is making an exception to this rule for law enforcement in very specific circumstances. This

approach 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 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 such an approach 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 178 WITH AMENDMENTS.

Antons Law Testimony.pdf

Uploaded by: Park, Jennifer

Position: FWA

I am writing to support the passage of "Anton's Law," SB178/HB 120.

[NOTE: Please keep the language that requires all complaints to be released, not just sustained complaints, and make sure that all categories of conduct are included. You may want to consider amending the definition of PS 3-101 to include WMATA Metro Transit police as they are not currently included. I am also concerned that the use of the phrase "investigation of misconduct" may be too limiting and you might consider an amendment to "complaint of misconduct."]

I currently reside in District 20 and am a lifelong Maryland resident. I have served as a public defender in Prince George's County since 2009. I've never previously been active in the Maryland legislative process, but it is clear we can't simply rely on our fellow citizens to be better trained, better educated or simply better people if we want to see real change. We instead must work to remove systems and laws that protect racism and replace them with laws that protect against racism. Although we need to examine every aspect of Maryland law with this in mind, there is an urgent need regarding police reform.

The police have been guaranteed extra protections through state laws and local collective bargaining agreements that stifle accountability and transparency, as well as destroy any hopes we have for improving relations between the police and the community. I have followed the ACLU legislative agenda for this year and I think its position and legislative priorities are right on track. Please be strong on working to pass the impactful police reforms the ACLU is supporting, starting with passing Anton's Law. Each of these reforms are needed to change laws that coddle systemic racism in our criminal system.

As a public defender I have seen first-hand how hard it is to access police misconduct or IA files that would shed light on a police officer's bias or consistent prior bad acts. Sadly, we cannot trust the police to monitor themselves, the large civil lawsuit currently in Prince George's County between police is an example of why. The community must be given the information needed to provide oversight. If the police are investigating misconduct appropriately then there is nothing to hide.

Given that you are adding strong protections in this law for ways police can still deny the MPIA request I think removing these from a categorization of personnel records is a fair compromise. This law correction would also bring our statute in line with other states since a majority of states already disclose some of these types of records already.

Respectfully,
Jennifer Park
240-441-6595

SB 178 FOP OPPOSE.pdf

Uploaded by: Carpenter, Sherrice

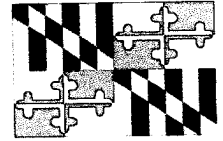
Position: UNF



CLYDE BOATWRIGHT
STATE PRESIDENT

Maryland State Lodge
FRATERNAL ORDER OF POLICE

8302 COVE ROAD, BALTIMORE, MD 21222



KENNY SCHUBERT
SECRETARY

EARL KRATSCH
TREASURER

1/19/21

**RE: Senate Bill 178 – Public Information Act – Personnel
Records – Investigations of Law Enforcement Officers
(Anton’s Law)**

Position: OPPOSE

Dear Chairman Smith, Vice Chairman Waldstreicher, and esteemed Members of the Senate Judicial Proceedings Committee,

The Maryland Fraternal Order of Police OPPOSES Senate Bill 178. This bill allows “agencies” investigating alleged misconduct by law enforcement officers to have access to the complete personnel records of the officer subject to that investigation; it also will allow agents of said “agencies” to capriciously investigate officers for nebulous reasons. What these “agencies” are is not clear as Senate Bill 178 conveniently does not define who or what this entails. As such, is an “agency” a media organization?

This bill is nothing more than an end-run around existing personnel laws and failed attempts by certain State’s Attorneys to harm law enforcement officers. As such, this bill unnecessarily exposes the private, confidential, and personal information of police officers to “agencies” investigating that officer, regardless of any nexus or relevance to an investigation. The Maryland and Federal Rules of Evidence prohibit past misconduct from being presented at trials because our society recognizes the irrelevance of such material and the highly prejudicial nature of such material. Exposing these personnel files will only serve to embarrass law enforcement officers for prior conduct, regardless of whether that officer has even been adjudicated as guilty of what was previously charged.

This bill has one purpose in mind: to discredit, embarrass, and abuse law enforcement officers of their reputation and livelihood. If such a need is warranted for the law enforcement community, then why not our legislators and all government employees? Why should these classes not be subjected to these partial rules?

There exists in Maryland a due process for law enforcement officers: the LEOBR; just as there exists a due process for all government employees. This is the process that has existed for 45 years and continues to be a proven process of discipline and removing officers from the profession.

For these reasons, the Maryland Fraternal Order of Police OPPOSES Senate Bill 178 and we respectfully ask for an unfavorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Consoli Jr.", written in a cursive style.

Angelo L. Consoli Jr,
2nd Vice President,
Fraternal Order of Police, Maryland
State Lodge

Senate Bill 178 - Public Information Act.pdf

Uploaded by: Shellenberger, Scott

Position: UNF

Bill Number: SB 178
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed Requesting Amendments

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
OPPOSED REQUESTING AMENDMENTS OF SB 178
PUBLIC INFORMATION ACT – PERSONNEL RECORDS

I object to changes made in the Accountability and Discipline Act. Amending General Provision Article 4-311 by making a misconduct allegation subject to public inspection. This would make a mere allegation and complaint against a police officer not part of a personnel record and therefore make it subject to inspection and publication. An officer could be accused of cursing, a complaint could be filed and the hearing board could find it did not happen and that could still be made public and used at a trial. Do we really want all charges to be made public no matter how minor.

If the Legislature is inclined to act in this area of the law should not allegations have to be sustained in order to be made public. If a Defendant has a pending case, an officer is a witness. The Defendant makes a mere allegation against an officer. That would be made public and could effect a jury's decision. This could happen even if the allegation is a lie.

SB 178 should at least be amended to limit public disclosure to sustained findings and not be excluded as a personnel record.