

Testimony for the House Judiciary Committee
February 9, 2021

HB 120 – Public Information Act – Personnel Records – Investigations of Law
Enforcement Officers (Anton’s Law)

FAVORABLE

To Chairman Clippinger, Vice Chair Atterbeary, and Committee members,

My name is **Tracy Shand** and I live in **Montgomery County**, Maryland. I am testifying in support of HB 120(Anton’s Law).

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-called 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, my brother Leonard Shand a black man was killed on September 26, 2019, at the intersection of Belcrest and Toledo Road, Hyattsville MD. My brother was killed by the Prince Georges County, Hyattsville, and Mount Rainer Police Officers without justification. The officers created a dangerous situation by throwing an unauthorized flash bang grenade, within sec after firing a bean bags at Leonard, and when he reacted by moving away from the blast, they shot him over 44 times. Then create a false narrative stating that he was in the process of attacking an officer. Prior to engaging in a prolonged pattern of physical violence against Mr. Shand, that includes kicking him and trying to hit him with a car. At no time did the officers seek assistance from the Medical Unit, Crisis Center, or any intervention resources unit that specialize in mental illness.

These officers used excessive force in continuously escalating a situation that could have deescalated by calling any form of a medical unit, talking Mr. Shand down, and employing dangerous measures like flash bangs when the situation did not call for it. The use of the flash bang was excessive force when Mr. Shand did not pose an imminent threat to anyone at the time it was used. Once used, Mr. Shand reacted by moving away from it, and was shot to death under circumstances where he did not pose a threat of harming anyone.

We are pushing for the expeditious and timely passage of HB 120 as a “Common-Sense” measure designed to help identify police misconduct patterns and root out bad actors before more Black and Brown people will be brutalized, assaulted, and killed in our communities. In addition, HB 120 will

help build trust between the community and Law-Enforcement. To do that, we must have a more transparent and accountable system to the citizenry that funds it.

Attentively,
Tracy Shand