



**INNOCENCE
PROJECT**

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Mid-Atlantic Innocence Project & Innocence Project Joint Testimony Supporting House Bill 120

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.



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For example, Baltimore Detective Robert Patton framed at least three innocent men -- Eric Simmons, JR McPherson, Antoine Pettiford-- between 1994 and 1995. The judge who overturned Pettiford's conviction ruled that Patton "deliberately" misled the defense. In response to the ruling, Baltimore Police Department spokesperson Sgt. Scott Rowe said homicide commanders found that Patton did nothing wrong. "There won't be any disciplinary action or administrative action," Rowe said. "It doesn't warrant any."²

Second, secrecy makes it difficult for judges and juries to make accurate judgments about innocence or guilt. It is critical for these triers of fact to know if a criminal case was built by an officer who has a history of lying, coercing witnesses and fabricating evidence. While discrediting information on officers is supposed to be disclosed in criminal proceedings, defense attorneys have struggled to access these records.

Maryland should join states including New York and Minnesota in permitting public access to police disciplinary records for both unsubstantiated and substantiated claims. This transparency will allow communities to hold local departments accountable to thoroughly investigate and correct misconduct, and thereby lead to fairer and more accurate outcomes in the criminal legal system.

² <https://www.baltimoresun.com/news/bs-xpm-2000-06-17-0006170001-story.html>