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Written Testimony House Bill 120 – Anton’s Law

In Montgomery Cty. v. Shropshire, 420 Md. 362, 384 (2011), Judge Atkins, in dissent, explains that internal affairs records are a far cry from those the MPIA sought to protect:

In doing so, he quotes Woodrow Wilson, who wisely stated that “*Government ought to be all outside and no inside.... Everybody knows that corruption thrives in secret places, and avoids public places, and we believe it a fair presumption that secrecy means impropriety.*” —Woodrow Wilson

And as Justice Brandeis said in 1914, “Sunlight is the best disinfectant.”

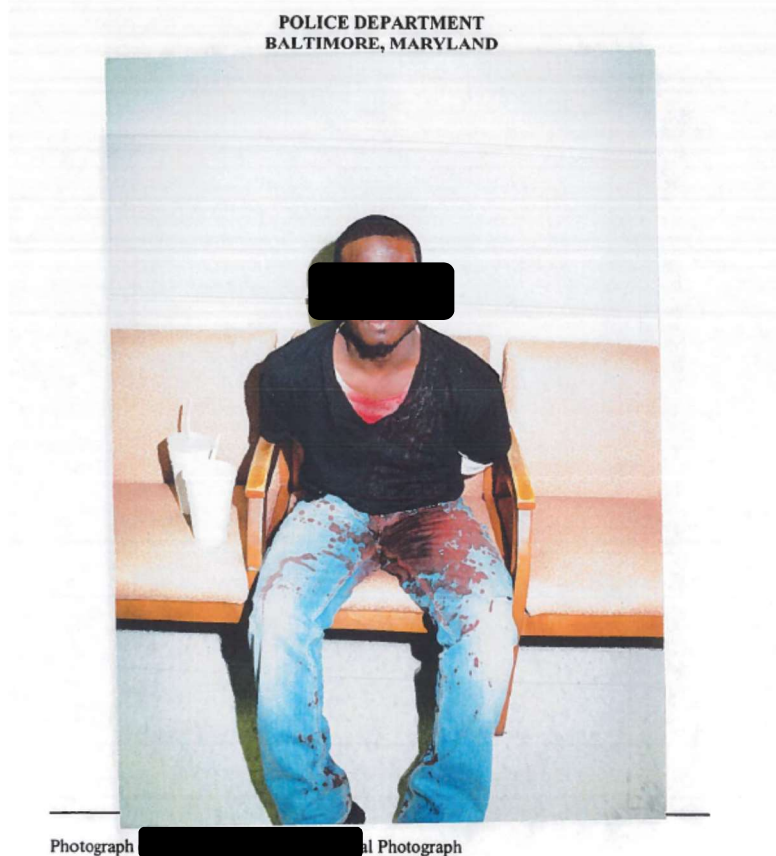
We live in unprecedented times, where police corruption and police violence continue to injure our communities and our families in ways that Anton’s law precisely seeks to prevent. Long have the days passed where internal affairs records should be housed in secret places, behind lock and key for only the police to see.

Over the past several weeks, some of you have met with members of the Office of the Public Defender, myself included, to show you, first hand, what’s oftentimes kept secret inside the records we seek to make public. For those who have not had a chance to sit down with us, let me show you some of what we shared with your colleagues. These are some records that we fought, through the courts, to have disclosed. And after court hearings, they were made part of the public record. Had we not fought for them, in a herculean effort, to this day, they would likely continue to be hidden under lock and key.

This is a young man, badly beaten by police officers after he had driven into the city to deliver brownies to a church. The officers were clearly wrong, and their supervisor purposefully covered it up. This is not, and should not ever be considered a confidential personnel record.



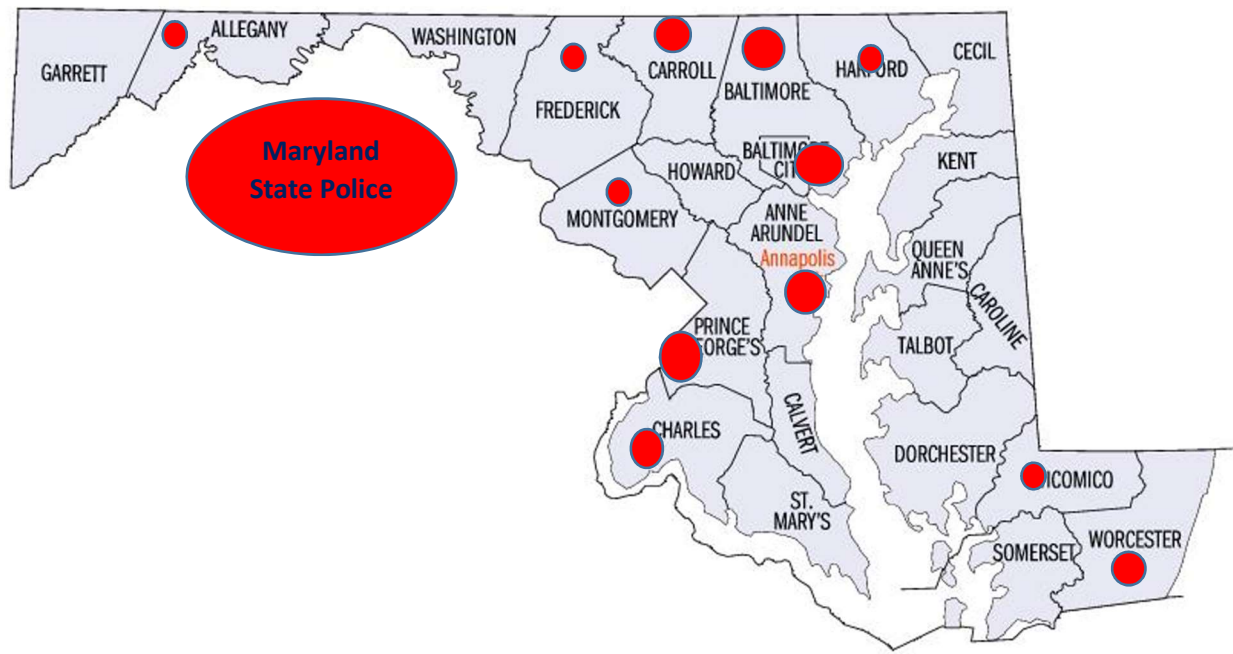
This is a young man, badly beaten by a police officer who had broken into his home, without permission and without a warrant, and then used his department issued radio to dangerously assault him. The police officer, who broke into this man's home and beat him, then called crime lab to photograph the fruits of his assault. This is not, and should not ever be considered a confidential personnel record. And any effort to keep it so seriously threatens notions of justice, fairness, and democracy.



Police Internal Affairs Records house reports of evidence planting, theft, violations of the law, perjury, dishonesty, and abusive or harassing conduct. This is not what the government should be complicit in hiding. These common categories of misconduct are in no one's imagination, the types of records we ought to be keeping secret.

And finally, this is not just a Baltimore problem. A simple search of the media over the last few years shows that misconduct persists in nearly every geographic region of our state. It is time for the legislature to do their part, to join the majority of states in our country, and to make these records part of the public domain, where they should have been housed from the beginning.

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¹ <https://www.capitalgazette.com/news/crime/ac-cn-annapolis-police-criminal-charges-20210204-3ggfdrjmfrrl3scveitlrdg4-story.html>
<https://wtop.com/prince-georges-county/2020/06/prince-georges-county-police-officer-indicted-on-misconduct-charge/>;
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<https://www.baltimoresun.com/maryland/bs-md-anton-black-greensboro-20190124-story.html>
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