

Bill Number: HB 120
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 HOUSE BILL 120
PUBLIC INFORMATION ACT – PERSONNEL RECORDS
INVESTIGATIONS OF LAW ENFORCEMENT OFFICERS (ANTON'S LAW)

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.

House Bill 120 should at least be amended to limit public disclosure to sustained findings and not be excluded as a personnel record.