



Testimony in SUPPORT of HB120

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

Lydia Walther-Rodriguez on Behalf of CASA
Judicial Proceedings Committee

Honorable Chairman Clippinger, Vice-Chair Atterbeary, and Members of the Judiciary Committee:

CASA urges a favorable report on HB120 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 Annapolis police officers brutalized 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 purse due to his fear of retaliation.

David's case is one of the 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, HB120 will be a big step forward.

For all of these reasons, CASA urges a favorable report on HB120.

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