



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

Testimony in SUPPORT of HB 120 / SB 178

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

Maryland Coalition for Justice and Police Accountability

February 9, 2021

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

The Maryland Coalition for Justice and Police Accountability (MCJPA) is pleased to provide favorable testimony in support of **HB 120, Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)**. MCJPA is a statewide coalition of over 90 organizations united to achieve meaningful police reform in Maryland - and includes individuals and family members who have been impacted by police violence, civil rights activists, religious leaders, legal experts, advocacy groups, and more. Collectively, we represent tens of thousands of Maryland residents.

HB 120 which would change the Maryland Public Information Act to ensure that members of the public who lodge complaints against public employees are not categorically barred from learning anything about the agency's investigation into their complaint, even including the discipline imposed when the complaint is sustained. The legislation is necessary because of the Court of Appeals concluded in *Md. Dep't of State Police v. Dashiell*, 443 Md. 435 (2015) that records of internal investigations into alleged police misconduct are "personnel records" which cannot be released under the Maryland Public Information Act (MPIA). Md. Code, Gen. Prov. § 4-311(a).

Maryland ranks among the least transparent states with regards to police misconduct complaints. A large reason for that is Maryland's Public Information Act (MPIA). Currently, if a Marylander files a complaint of police misconduct, they can't find out how (or if) the department investigated the complaint. That is because the complaint is considered a "personnel record" under MPIA, and personnel records may never be disclosed. The public should know how police misconduct is investigated, including whether body camera footage is reviewed and witnesses are being contacted, especially since police departments have a track record of not punishing wrongdoing.

Reforming this part of the Maryland Public Information Act is essential to make policing more transparent and ensure that Black and Brown Marylanders are protected. HB 120 would allow the complaint file to be removed from the MPIA's personnel record category, so that police departments could disclose them in appropriate situations.

Further, making police disciplinary records available to the public incentivizes police chiefs and commissioners to address police officers with a pattern of misconduct. If the public has access to complaint files, keeping an officer on the force who has 30+ misconduct complaints against them, even if unsustainable, is a liability. This is why having unsustainable complaints (which are around 90% of those filed) in addition to sustained complaints is so important. While misconduct may not be proven, an officer with dozens of complaints against them is clearly, at minimum, in need of some additional training and/or evaluation.

Transparency is essential as we work to reimagine policing in Maryland and Anton's Law would make policing far less opaque. **MCJPA urges a favorable report on HB120.**

Respectfully,

Maryland Coalition for Justice and Police Accountability

**See the full list of coalition membership attached.*

Advocates for Children and Youth
ACLU of Maryland
ACLU of Maryland, Montgomery County Chapter
Amnesty International
Arts Education in Maryland Schools Alliance (AEMS)
Baltimore Action Legal Team
Baltimore Bern Unit
Baltimore City Civilian Review Board
Baltimore City Democratic Socialists of America
Baltimore for Border Justice
Be More Unified
Council on American-Islamic Relations (CAIR) Office in Maryland
CASA
Caucus of African-Americans Leaders
Citizens Policing Project
Coalition for Justice for Anton Black
Coalition of Concerned Mothers
Coalition of People Opposed Violence and Extremism
Common Cause Maryland
Community Actively Seeking (C.A.S.T.)
Community Justice
Disability Rights Maryland
Do the Most Good
Drug Policy Alliance
Equity Matters
For Kathy's Sake
FreeState Justice
Greater Baltimore Democratic Socialists of America - Steering Committee
Greenbelt People Power
Hispanic National Law Enforcement Association
Homeless Persons Representation Project
Innocence Project
InterFaith Action for Human Rights
Jews United For Justice
Job Opportunities Task Force
Justice for Tyrone West Coalition
Justice Policy Institute
Kevin L. Cooper Foundation
Law Enforcement Action Partnership
Leaders of a Beautiful Struggle
League of Women Voters Maryland
LGBTQ Dignity Project
Life After Release
Making Changes

Mama Sisterhood of Prince George's County
March for Our Lives Maryland
Maryland Alliance for Justice Reform
Maryland Center on Economic Policy
Maryland Consumer Rights Coalition
Maryland Defenders Union
Maryland Justice Project
Maryland Office of the Public Defender
Maryland Poor People's Campaign
Maryland Prisoners' Rights Coalition
Maryland Restorative Justice Initiative
Maryland State Conference of NAACP Branches
Marylanders to Prevent Gun Violence
Moms Demand Action
Montgomery County Civil Rights Coalition
Montgomery County Democratic Socialists of America
Mothers on the Move
NARAL Pro-Choice Maryland
NAACP Legal Defense and Educational Fund
National Coalition for Drug Legalization
Nigerian American Lawyers Association - Washington DC Chapter
Organizing Black
Our Maryland
Our Prince George's
Our Revolution Maryland
Out For Justice
Planned Parenthood of Maryland
Power Inside
Prevent Gun Violence Ministry, River Road Unitarian Universalist Congregation
Prince George's County Branch of Democratic Socialists of America
Prince George's People's Coalition
Prisons to Professionals
Progressive Maryland
Public Justice Center
Racial Justice NOW!
Rebuild, Overcome, and Rise (ROAR) Center at UMB
Reproductive Justice Inside
Sanctuary DMV
SEIU 1199
Showing up for Racial Justice Annapolis and Anne Arundel County (SURJ3A)
Showing Up for Racial Justice, Baltimore
Showing Up for Racial Justice, Montgomery County
Sierra Club Maryland Chapter
Silver Spring Justice Coalition

Takoma Park Mobilization
The JustUs Initiative
Wicomico County NAACP Branch 7028
Women's Law Center
Young People for Progress