



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 4, 2025

RE: **SB 404 - Juvenile Law - Police Record Concerning a Child - Confidentiality  
Exception**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 404**. This bill authorizes the public disclosure by the Office of the Attorney General of the name and age of a child injured or killed in a police-involved incident, subject to the express consent of the child's parent or guardian.

The identity of juveniles under the age of 18 charged with committing a crime is treated differently than adults. The goals of the juvenile court and the juvenile justice system are to address the causes of misconduct while protecting the community and the juvenile. Maintaining confidentiality of a juvenile's name, age and other identifiers applies in all circumstances with limited exception as stipulated in MD Code, Courts and Judicial Proceedings, § 3-8A-27, specifically stated:

#### **Police records kept confidential**

(a)(1) A police record concerning a child is confidential and shall be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided in § 7-303 of the Education Article.

#### **Court records kept confidential**

(a)(1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown or as provided in §§ 7-303 and 22-309 of the Education Article.

Rule 11-403 - CONFIDENTIALITY OF RECORDS, Md. Rules, further states:

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- (a) Generally. Files and records of the court in juvenile proceedings under this Chapter, including docket entries and indices, are confidential and shall not be open to inspection except by order of the court or as otherwise expressly provided by law.
- (b) Sealing.
  - (1) Generally. On motion or petition, or on its own initiative, the court (A) may order the court records of a child sealed for good cause shown, and (B) shall order them sealed after the child has reached the age of 21 years.
  - (2) Opening. If sealed, court records of a child may not be opened, for any purpose, except by order of the court for good cause shown.

These rules adopted by the Maryland Courts exist and are evenly and equally applied in all cases involving juveniles under Subtitle 8A (juvenile delinquency proceedings, peace order proceedings against juveniles, Child In Need of Supervision (CINS) proceedings, and citation proceedings).. This bill seeks to provide for a solitary exclusion and exception to these well-defined and responsible protections for juveniles, by a unilateral decision of the Attorney General, with parental consent, in cases of a “Police–involved incident resulting in the death or injury of a child...” SB 404 also appears to be intended to give the Office of the Attorney General unilateral authority to release the name and age of a child even if a law enforcement agency conducting a related criminal investigation would withhold that information from public release to protect the ongoing investigation.

Furthermore, the language contained in the bill contradicts the current statute, specifically as it relates to releasing information regarding “injury of a child.” § 6-602. Independent Investigations Division states:

The Division is the primary investigative unit for police-involved incidents that result in the death of individuals or **injuries likely to result in death** [emphasis added].

SB 404, as written, permits the disclosure for any injury, no matter how slight, contrary to the existing statute.

Not only does this bill compromise the juvenile’s confidentiality and potentially affect related investigations, the very nature subjects law enforcement personnel, who are likewise and often forgotten as traumatized by the seriousness of events, in the perilous position of facing community outcry over their involvement in “the death of a child.” In essence, this language is upsetting and appears to completely dismiss the suffering and pain experienced by the officers, and their families, that are involved in these unfortunate and saddening incidents.

The MCPA and MSA view this, again, as just another act that further demoralizes and vilifies the 16,000 men and women who serve every day to protect our communities. SB 404 neglects any thought or consideration of those law enforcement officers and their families, spouses, significant others, children, etc., live in these communities, attend school in these communities, attend worship in these communities, and attend events in these communities. This bill has the propensity to exacerbate the risk and subjection of these officers and their families to undeserved public criticism and condemnation.

For these reasons, the MCPA and MSA strongly **OPPOSE SB 404** and request an unfavorable report.