



## Maryland State's Attorneys' Association

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**DATE:** February 21, 2025

**BILL NUMBER:** HB 1361

**POSITION:** Unfavorable

The Maryland State's Attorney's Association (MSAA) opposes House Bill 1361, and urges this Committee to issue an unfavorable report.

While the intent behind the bill – improving efficiency, accuracy, and inter-jurisdictional information sharing and collaboration in law enforcement – is laudable, the mechanism used by HB 1361 to accomplish these goals – establishing the functional equivalent of a statewide police report database and opening it up to the public – presents grave risks to the administration of Maryland's criminal legal system.

Particularly concerning is the obligation in the bill to provide the public with access to this report system, albeit with "appropriate safeguards to protect sensitive information." Even assuming this restriction is implemented uniformly and effectively, and that all "sensitive information" contained in a report is redacted,<sup>1</sup> allowing public access to these reports outside of the standard Maryland Public Information Act process contained in MD. CODE ANN., GEN. PROV. § 4-101 *et seq.* will eviscerate the privacy of anyone involved in any interaction with law enforcement, whether they are a suspect, a witness, or a victim.

In addition to concerns for a victim that might not want the details of the most terrible day of their life available to the public, or for a suspect investigated but ultimately not charged with a crime, public access to police reports as envisioned by this bill presents serious safety concerns: in many cases, making information about witnesses generally available creates an avoidable threat to their safety. This will have a chilling effect on investigation and enforcement as well – these witnesses, many of whom are already very concerned about retaliation, will never cooperate with investigators if there is even a slight possibility that their involvement will become known.

Finally, part of a prosecutor's obligation to seek justice is the obligation to respect the rights of the accused, which includes the accused's right to a fair trial. Selecting an impartial and unbiased jury can already be challenging in high-profile cases with widespread publicity and significant media attention – selecting a fair jury in a world in which prospective jurors have not only seen news reports about the case but have also reviewed the actual police reports generated in connection with the investigation will be all but impossible. It is for these reasons that MSAA urges an unfavorable report.

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<sup>1</sup> This requirement – flagging and redacting any information contained in a report that might be sensitive – has the potential to be extremely time-consuming and expensive, regardless of how it is implemented.