



TESTIMONY IN OPPOSITION TO HB 885
House Judiciary Committee, February 25, 2025

Submitted by:

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My name is Joanna Silver, I live in District 18. I am submitting testimony on behalf of the Silver Spring Justice Coalition in opposition to HB885.

Introduction of SSJC

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by law enforcement officers, establishing transparency and accountability for officer conduct, and redirecting public funds toward community needs. We have been one of the moving forces in the creation of the PAB, ACC, and trial boards in Montgomery County, and we have filed numerous MPIA requests for officer personnel records..

Our Opposition to HB885

In furtherance of our work on police accountability in Montgomery County and across the state, we oppose HB885 because police accountability is more than just incidents that result in disciplinary action. Taxpayers and persons who live in Maryland deserve to know when complaints have been brought against law enforcement officers. Eliminating all evidence of a 3-year old exonerated or

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unfounded complaint will make it impossible to track allegations against individual officers and officers in particular law enforcement agencies.

We fundamentally disagree with the premise of the bill, which is that ACC decisions are infallible. While ACC decisions are determinative in any particular complaint, those of us who closely monitor ACC decisions are not yet convinced that ACC exonerations or unfounded decisions are always a complete and accurate analysis of the facts. In fact, in our review of five of the largest county's PAB annual reports, only one PAB report itemizes the allegations and ACC decision for each complaint. Without that level of PAB reporting, communities across the state have no way of knowing whether this experiment with civilian empowerment and police accountability is working. We cannot accept on blind faith that an ACC finding of exoneration or unfounded means that the officer's conduct was beyond reproach.

Another reason to reject this bill is that a complaint must remain accessible to internal investigators when they are investigating a new complaint (whether initiated internally by the agency or externally by a civilian). For example, if an officer is the subject of a second, third, or subsequent complaint about their misuse of force, it may be relevant to the investigators and to the ACC to have access to even an exonerated or unfounded prior complaint to provide a fuller context to the officer's conduct. The idea that conduct that is three years old is magically irrelevant is simply wishful thinking by those who seek to limit police accountability.

A concerning pattern of an officer's conduct should and must consider all complaints in order to determine whether an officer's conduct warrants discipline or training or personal assistance. An exonerated or unfounded complaint that is more than 3 years old may still be valuable in helping an officer with a problem such as substance abuse that could impact their personal and professional conduct.

Let's consider what exactly an exonerated or unfounded complaint does and does not mean. An officer's conduct may be exonerated as a matter of a

technicality – for example, an agency policy is vague or imprecise about an officer’s conduct, or perhaps the agency policy neglects to address a certain conduct, which may be corrected in subsequent policy. Note also that the ACC is not expected to make recommendations for agency policy changes – that is typically the responsibility of the PAB, which may, or may not, have enough information about an exonerated complaint to make a recommendation for a policy clarification or change. To that end, if exonerated and unfounded complaints are purged, the PAB and the public (through MPIA requests) will not be able to look, longitudinally, for incidents or patterns of conduct that warrant remediation.

Lastly, this bill thwarts the good work the General Assembly did when you enacted Anton’s Law in 2021, as part of a package of police accountability reforms. Anton’s Law expressly gives the public access to officer personnel records, subject to certain limitations. HB885 effectively truncates the public’s access to officer records that are more than three years old. The Committee should not roll back the progress and public protections previously enacted.

We urge an unfavorable report on HB885.