



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary 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 25, 2025

RE: **HB 885 Public Safety - Police Accountability - Investigation Records Relating to
Unfounded and Exonerated Complaints**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 885 WITH AMENDMENTS.** This bill requires that complaints regarding misconduct by a police officer be removed from the police officer's personnel record after a finding that the complaint was unfounded or exonerated.

HB 885 is a crucial step toward ensuring fairness and accountability in police oversight while protecting the reputations of officers who have been falsely accused. Under this bill, investigation records related to complaints that are determined to be "unfounded" or where an officer is "exonerated" will be removed from their personnel records after three years. This is a reasonable balance between maintaining transparency in police accountability and preventing officers from being unfairly stigmatized by baseless allegations. Law enforcement officers serve their communities under immense scrutiny, and it is only fair that records of complaints proven to lack merit do not follow them indefinitely, potentially impacting career advancement and public trust.

Furthermore, this bill does not erase accountability; it simply ensures that officers are not burdened with records of misconduct accusations that have been thoroughly investigated and dismissed. The three-year retention period still allows for necessary oversight while preventing long-term harm to an officer's professional integrity. By enacting this legislation, Maryland upholds both due process for law enforcement personnel and the broader goal of maintaining public confidence in police accountability systems. HB 885 is a thoughtful reform that strengthens fairness within the law enforcement community while preserving the integrity of police oversight.

However, MCPA and MSA would like to add clarity to the verbiage within this bill to ensure the statute is clear when speaking to the disposition of an Administrative Charging Committee ("ACC") ruling. The

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technical terms that determine misconduct under Section 3-104(e)(2) of the Police Accountability and Discipline Article is that the ACC will review the investigative file and determine if the officer will be (Section 3-104) **administratively charged or not administratively charged** (emphasis added). This is the only determination required by law. Section 3-104(f) states the ACC may decide that the allegations are unfounded, that the police officer is exonerated, or that there were supervisory failings that led to the misconduct. However, the ACC's **are not required** (emphasis added) to make these extra determinations and some counties are choosing not to as a matter of practice. In some counties, if the ACC can't agree on whether the allegations are unfounded or exonerated, they leave that portion blank. As written, an officer in a county that did not make these determinations or if the determination was a supervisory failing, would not have their record expunged as this bill seeks to do. We believe changing the language for expunging the record to hinge on whether or not an officer is “administratively charged” is cleaner language and more consistent with the purpose of the bill.

For these reasons, MCPA and MSA **SUPPORT HB 885 WITH AMENDMENTS** and urge a **FAVORABLE** committee report.