

HB 885 Letter of Support.pdf

Uploaded by: Adam Streight

Position: FAV

Adam Streight
County Executive

Dan Schneckenburger
Director of Administration



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CECIL COUNTY, MARYLAND
Office of the County Executive
200 Chesapeake Boulevard, Suite 2100, Elkton, MD 21921

February 24, 2025

The Honorable Chair, Vice Chair, and Members of the Judiciary Committee
Maryland House of Delegates
100 Taylor House Office Building
Annapolis, MD 21401

RE: **Letter of Support for House Bill 885** – Public Safety – Police Accountability – Investigation Records
Relating to Unfounded and Exonerated Complaints

Dear Chair Clippinger, Vice-Chair Bartlett, and Members of the Judiciary Committee,

As Cecil County Executive and a retired law enforcement officer, I am writing to express my strong support for HB 885, which seeks to expunge unfounded and exonerated complaints from a law enforcement officer's personnel file. As a community, we want and need our police to be accountable and governments should act when warranted. However, being accountable doesn't mean that one is in the wrong – it simply means an officer is required to stand by their decisions and account for what they did. It is the investigation that determines whether wrongdoing occurred. An investigation determining that the allegation never occurred, or the actions taken were justified, is still holding our police accountable to the high standards we expect of them.

It is only fair that if we are to keep a record of sustained complaints to ensure accountability, we must also allow expungement for those who have been cleared, as to avoid "scarlet letter" scenarios where the mere presence of adverse material – unfounded or not – can follow a good officer for the rest of their career. It may also undermine their credibility in court, where a *Brady* discovery can impugn an officer's testimony, thus needlessly jeopardizing government's first priority of ensuring the safety of our constituents. The criminal justice system provides records expungement for defendants found not guilty and law enforcement officers deserve no less.

Thank you for your time and consideration. I urge you to look **favorably** on HB 885.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Streight", is written over a light blue horizontal line.

Adam Streight
County Executive

HB 885 - MML - FAV.pdf

Uploaded by: Angelica Bailey Thupari

Position: FAV



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 25, 2025

Committee: House Judiciary

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

Position: Favorable

Reason for Position:

The Maryland Municipal League (MML) supports House Bill 885, which requires the removal of all “investigation records” relating to a complaint of misconduct from a police officer’s personnel record three years after an administrative charging committee or trial board issues a finding that the complaint is unfounded or exonerated.

The removal of such records protects the privacy of police officers who have been cleared of wrongdoing. If complaints are found to be unfounded or the officer is exonerated, retaining such records could unfairly tarnish an officer’s reputation and career, and could lead to morale issues. Officers might feel discouraged or unfairly targeted by records of complaints, even if those complaints did not result in disciplinary action. Removal could help with recruitment and retention by offering more job security and reducing stress on officers.

This proposal could also help police departments manage records more efficiently and reduce administrative burdens. Police departments are often responsible for handling large amounts of paperwork; it is more efficient to focus on cases where the complaints are substantiated, rather than keeping records of those that were found to be unsubstantiated or exonerated.

For these reasons, the League respectfully requests that the Committee provide House Bill 885 with a favorable report. For more information, please contact Angelica Bailey Thupari, Director of Advocacy and Public Affairs, at angelicab@mdmunicipal.org or (443) 756-0071. Thank you for your consideration.

The Maryland Municipal League uses its collective voice to advocate, empower and protect the interests of our 160 local governments members and elevates local leadership, delivers impactful solutions for our communities, and builds an inclusive culture for the 2 million Marylanders we serve.

20250225 HB 0885 Public Safety Police Accountabili

Uploaded by: Donald Baker

Position: FAV



Sheriff Donald L. Baker

CAROLINE COUNTY SHERIFF'S OFFICE

9305 Double Hills Road, Denton, Maryland 21629

♦ Phone 410.479.2515 ♦ Fax: 410.479.4001 ♦



Chief Deputy Rodney J. Helmer

House Bill 885

*Support for House Bill 885—Public Safety—Police Accountability—Investigation Records Related to
Unfounded and Exonerated Complaints*

Position: **FAV**

Date: **February 25, 2025**

To: **Judiciary**

I am writing to formally express my office's strong endorsement of House Bill 885—Public Safety—Police Accountability—Investigation Records Related to Unfounded and Exonerated Complaints. This crucial legislation seeks to ensure that police officers are not unduly impacted by unfounded or unproven allegations throughout their careers. In close-knit communities such as Caroline County, law enforcement officers face significant hurdles in fostering and maintaining public trust, making it essential that frivolous complaints do not unjustly damage an officer's reputation indefinitely.

While the principles of accountability and transparency in policing are vital, it is also important to recognize that law enforcement officers often operate in complex situations where complaints can arise, even when their actions align with legal and agency protocols. When an officer is exonerated or a complaint is determined to be unfounded, it is only fair that such records be removed from their personnel file after a reasonable period. The absence of this provision could lead to lasting and detrimental effects on the careers of law enforcement personnel in communities similar to ours, and throughout the State of Maryland, due to allegations that lack merit.

Furthermore, the recruitment and retention of law enforcement officers in rural areas, such as Caroline County, present ongoing challenges. The prospect of a false or unsubstantiated complaint remaining in an officer's personnel file diminishes the appeal of the profession, thereby discouraging individuals from remaining in this essential field. The passage of House Bill 885 would represent a balanced approach, ensuring that instances of misconduct are properly documented while recognizing that officers should not be subjected to the enduring repercussions of disproven accusations.

I appreciate the leadership demonstrated on this important issue and strongly urge support for House Bill 885 to promote fairness for those who serve and protect our communities.

Respectfully,

Sheriff Donald L. Baker Jr. #0141

HB0885-JUD_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



House Bill 885

*Public Safety - Police Accountability - Investigation Records
Relating to Unfounded and Exonerated Complaints*

MACo Position: **SUPPORT**

To: Judiciary Committee

Date: February 25, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** HB 885. This bill would allow for law enforcement officers with exonerated or unfounded claims, following a police misconduct investigation, to be expunged from a personnel record.

MACo has not opposed multiple proposals to promote accountability for law enforcement agencies and officers, including the broad, landmark Maryland legislation enacted in 2021. Each county is currently acting in good faith to facilitate the mandated reforms to advance those policy goals, at substantial local expense. Counties are allies and functioning partners in ensuring officer accountability.

At the same time, staffing shortages have created complications across many sectors. However, few pose as dire and as immediate a threat to public safety as shortages in law enforcement personnel. Vacancies, in conjunction with the percentage of employees eligible for retirement, paint an even more disturbing picture of the breadth of this crisis. The provisions of HB 885 could help not only recruit more officers into the profession, but also keep qualified officers in the field.

County law enforcement officers are on the ground every day facing evolving challenges head-on – they are actively experiencing the results of a declining workforce juxtaposed with the increasing needs and challenges of their communities. These day-to-day, lived experiences of local law enforcement are invaluable in solving this staffing crisis, as theirs is the clearest lens through which to bring these issues into focus for a capable, diverse, and well-meaning workforce. Making sure these officers are accountable and encouraged to continue doing this work is vital.

Counties support the willingness to focus attention on the need to bolster law enforcement officer recruitment efforts and accordingly, MACo urges a **FAVORABLE** report for HB 885.

20250225 HB 0885 Public Safety Police Accountabili

Uploaded by: Travis Breeding

Position: FAV



House Bill 885

Support for House Bill 885—Public Safety—Police Accountability—Investigation Records Related to Unfounded and Exonerated Complaints

Position: **FAV**

Date: **February 25, 2025**

To: **Judiciary**

On behalf of the Caroline County Commissioners, we wish to express our **strong support** for **House Bill 885—Public Safety—Police Accountability—Investigation Records Related to Unfounded and Exonerated** which ensures that police officers are not unfairly burdened by false or unproven accusations throughout their careers. In small, close-knit communities like Caroline County, law enforcement officers face significant challenges in earning and maintaining public trust, and a baseless complaint should not be allowed to cast a shadow over an officer's reputation indefinitely.

We fully support accountability and transparency in policing, but we also recognize that officers often find themselves in difficult situations where complaints can arise—even when they have acted lawfully and in line with department policy. When an officer is found to be exonerated or a complaint is deemed unfounded, it is only fair that those records be removed from their personnel file after a reasonable period. Without this protection, officers in communities like ours could find their careers permanently impacted by allegations that had no merit.

It is already challenging to recruit and retain dedicated law enforcement officers in rural areas like Caroline County. The prospect of a false or unsubstantiated complaint lingering in an officer's record only makes the profession less attractive, discouraging good officers from staying in the field. By passing HB 885, Maryland will take a balanced approach—one that ensures misconduct is properly recorded but also recognizes that officers should not be haunted by accusations that were disproven.

We appreciate your leadership on this issue and urge you to support House Bill 885 to help ensure fairness for those who serve and protect our communities.

Sincerely,

J. Travis Breeding, President

HB 885 02-25-2025 - SLEOLA - FAV.pdf

Uploaded by: Veronica Bruns

Position: FAV



**State Law Enforcement
Officers Labor Alliance**
542 Ritchie Highway
Severna Park, Maryland 21146



February 25, 2025

The Honorable Luke Clippinger
Chair, Judiciary Committee
101 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

**Re: HB 885 – Public Safety – Police Accountability – Investigation Records Relating to
Unfounded and Exonerated Complaints – SUPPORT**

Dear Chair Clippinger:

The State Law Enforcement Labor Alliance (SLEOLA) is the exclusive representative for 1,757 active state law enforcement officers, including the following agencies:

- Maryland State Police
- Maryland Natural Resources Police
- Field Enforcement Bureau
- Maryland State Fire Marshall
- Maryland Capitol Police
- Department of Health Police
- Maryland Vehicle Administration Police
- Department of Public Safety and Correctional Services Intelligence and Investigative Division
- Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services

SLEOLA is writing in support of HB 885, which would require the removal of investigation records related to complaints of misconduct from a law enforcement officer's personnel file three years after an Administrative Charging Committee (ACC) or Trail Board has issued a finding that the complaint is unfounded or the officer is exonerated.

SLEOLA believes that it is imperative to maintain a procedure that holds both accountability and fairness in how law enforcement officers who serve and protect our communities are treated. Law enforcement officers, throughout their careers, should be held to the highest standards but should not be unjustly hindered by complaints that have been thoroughly investigated and deemed to have no merit.

House Bill 885 will ensure that law enforcement officers who have been exonerated or cleared of misconduct allegations maintain a protection on their reputation and professional

future. It would ensure that the record of an allegation, where the officer is found to not be at fault, will not continue to impact their career indefinitely. The proposed three-year time frame provides a reasonable balance between ensuring a thorough investigation and allowing for the restoration of an officer's good standing after a complaint is deemed unfounded or the officer is exonerated.

House Bill 885 will also help to restore public trust in police accountability and the disciplinary process. It will ensure that an officer's record reflects only relevant and substantiated complaints. This would allow for the public to have more confidence that officers are being held accountable for legitimate and substantiated complaints and findings. While doing this it upholds that officers are still afforded their right to fair treatment and due process; fostering morale and assisting with recruitment and retention of law enforcement officers, which is so needed.

For these reasons, the State Law Enforcement Labor Alliance would like to thank the sponsor of this bill and ask the Committee for a favorable report for this important legislation.

Sincerely,

Veronica Bruns
Treasurer

cc: Members, House Judiciary Committee

MCPA_MSA HB 885 Police Accontability - Investigati

Uploaded by: Andrea Mansfield

Position: FWA



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.

LWVMD_2-25-25 HB 885 Public Safety – Police Accou

Uploaded by: Cynthia Boddie-Willis

Position: UNF



TESTIMONY TO THE JUDICIARY COMMITTEE

HB 885 – Public Safety – Police Accountability – Investigation Records Relating to Unfounded and Exonerated Complaints

POSITION: Oppose

BY: Linda Kohn, President

DATE: February 25, 2025

The League of Women Voters supports a criminal justice system that is just, effective, equitable, and transparent in its policing practices. Moreover, policing practices should provide police accountability via independent citizen oversight of law enforcement and publicly available data on officer conduct.

HB 885 seeks to remove all investigative records related to a complaint of misconduct by a police officer from that individual's personnel record three years after an Administrative Charging Committee issues a finding of unfounded or exonerated. A practice such as this may make it difficult if not impossible not only to discern patterns of police conduct but also to identify trends in the disciplinary process of police officers which the Police Accountability Boards are mandated to do under the [Maryland Police Accountability Act \(MPAA\) of 2021](#).

We urge an unfavorable report on HB 885.

HB885_UNFAV_ACLUMD.pdf

Uploaded by: Dara Johnson

Position: UNF



Testimony for the House Judiciary Committee

February 25, 2025

HB 885 – Public Safety - Police Accountability - Investigation Records Relating to Unfounded and Exonerated Complaints

DARA JOHNSON
INTERIM POLICY
COUNSEL

UNFAVORABLE

AMERICAN CIVIL
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OF MARYLAND

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OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland strongly opposes HB 885, which would remove “unfounded” or “exonerated” police misconduct investigation records from an officer’s personnel file after three years following a finding by an Administrative Charging Committee or trial board. The result of this would be the broad limitation of public insight into some of the government’s most important and impactful functions, undermining the broad remedial purpose of the Maryland Public Information Act (MPIA) and drawing a veil of secrecy around both the disputed official conduct and the investigation process itself. Such an automatic denial of public transparency would seriously impair pathways for police accountability, standing directly in the face of progress made by this legislature toward building public trust in law enforcement.

As repeatedly emphasized by Maryland courts, public access to government records under the MPIA should be liberally construed in favor of maximal transparency and ease of access. See *Sheriff Ricky Cox v. Am. C.L. Union of Maryland*, 263 Md. App. 110, 126 (2024) (noting “. . . at its core, the MPIA is a disclosure statute that is meant to ensure that the government is accountable to its citizens, and the disclosure the Act requires is a public service that the Act directs government agencies to provide.” (citing *Glenn v. Md. Dep’t of Health & Mental Hygiene*, 446 Md. 378, 384-85 (2016); *Committee for Transit, Inc. v. Town of Chevy Chase*, 229 Md. App. 540, 145 (2016))).

Such open transparency is a proven cornerstone of democracy, and law enforcement investigations are certainly not exempt from the need for scrutiny. As police officers are public servants tasked with some of the most crucial public duties, their conduct constitutes a public service that must remain within public purview, especially when disputed. This legislature has made steps to increase such transparency with the repeal of the Law Enforcement Officers’ Bill of Rights and the passage

of Anton’s Law in 2021. Both of these major legislative advances strengthen public means for accountability by providing greater access to police personnel records, but would be significantly curtailed by the broad foreclosure of “unfounded” or “expunged” investigation records under HB 885.

While some may argue that records of dismissed or un-sustained misconduct allegations pose no continuing relevance to accountability measures, this contention is simply unsupported by the long history of severe harm by police officers in Maryland that has often gone unchecked by internal disciplinary processes. In 2018, the Maryland General Assembly created the Commission to Restore Trust in Policing, which studied the circumstances that allowed members of the Baltimore City Police Department’s (BPD’s) former Gun Trace Task Force (GTTF) to carry out gross misconduct without consequence. In its final 2020 report, the Commission shared that only a handful of numerous prior citizen complaints were sustained against the eight GTTF members who were later criminally convicted (and even less disciplinary measures were actually imposed).¹

This lack of internal oversight aligns with the findings of the Department of Justice’s prior investigation of BPD, as summarized in its 2016 report:

In part because of the above failures in investigating complaints against officers, BPD allows policy violations to go unaddressed, even when they occur in large number or involve serious misconduct. For example, the most common allegations of policy violation that fall under command investigations level is that officers fail to appear in court. The Department’s internal affairs database indicates that 6,571 allegations were made that officers failed to appear

¹ As noted by the Commission, by March 1, 2017, BPD had logged more than 100 Internal Affairs complaints and more than 60 use of force incidents between 1997 and 2016 that named one or more of the convicted GTTF members, and most included at least one serious citizen complaint like excessive use of force, theft, false arrest, improper search, discourtesy, and harassment. However, by the time of the indictment, only a few of these complaints had been sustained: “about 43% were described in BPD’s electronic Internal Affairs database, IAPro, as ‘administratively closed’ or simply ‘closed.’ Another 37% were characterized ‘not sustained.’ In another 4%, the officer was ‘exonerated’ or the complaint was determined to be ‘unfounded.’” (Maryland Department of Legislative Services. (2020, December 2). *Commission to Restore Trust in Policing Final Report* (pp. 85-86). <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnRstrTrustPol/Commission-to-Restore-Trust-in-Policing-Final-Report.pdf>.)

in court between January 1, 2010, and March 28, 2016. For 1,698 of these allegations, the Department did not record any disposition at all, although a “completed date” has been entered for all but a handful of these incidents, indicating that the investigation has concluded. Additionally, the Department “administratively closed” 1,142 of the cases. Thus, nearly half of these policy violations—43 percent—resulted in no action being taken against the officer for failing to appear in court. Without the arresting or witnessing officer’s testimony, many of these cases lack adequate evidence to proceed, and are dismissed.²

Such unchecked misconduct has included direct harm against the most vulnerable communities, who can be left without any redress.³

Although legislative reforms such as Anton’s Law have helped provide access to some of the information needed to raise misconduct independent of any flawed internal processes, persistent systemic issues continue to highlight the need for public insight into the overall investigative process itself, as well as the disputed conduct. For example, while HB 885 would establish an Administrative Charging Committee (ACC) finding as one starting point for the three-year waiting period before an “unfounded” or “exonerated” investigation record would be removed, the limited time available for ACC review can yield findings that are not supported by full and proper consideration.⁴

² U.S. Department of Justice, Civil Rights Division. (2016, August 10). *Investigation of the Baltimore Police Department* (pp. 149- 151).
<https://www.justice.gov/archives/opa/file/883366/dl?inline>.

³ In one of several egregious examples, the DOJ uncovered a complainant, who alleged that two BPD officers fondled her when conducting a search and called her a “junkie, whore b*tch.” The woman’s complaint went uninvestigated for so long that by the time the investigator contacted the first witness, the complainant had died. As a result, that complaint was found not sustained. (*Investigation of the Baltimore Police Department*, 2016, p. 143).

⁴ For example, in Baltimore, “Of the roughly 1,000 cases the [Baltimore administrative charging] committee has reviewed, nearly half of them were received within 15 days of their expiration, according to city data.” (Conarck, B. (2024, December 2). *Frustrations With Civilian Oversight of Baltimore Police are Boiling Over*. The Baltimore Banner. <https://www.thebaltimorebanner.com/community/criminal-justice/police-accountability-board-independence-O5ZFCTAPK5EA5DYHS3NNB2DHOM/>)

This has led to many cases being either administratively closed without any determination of whether misconduct occurred, or even dismissed even when

Given the three-year waiting period imposed by HB 885, some may assert that this is sufficient time to pursue any available remedies to address any unchecked misconduct evidenced within an “exonerated” or “unfounded” misconduct investigation record. However, these public records remain significant sources of information well after this three-year mark, as they can reveal patterns of conduct relevant to law enforcement hiring decisions, witness credibility determinations, and factual research into any longstanding pattern or practice of misconduct within a law enforcement agency. Especially considering the high level of public responsibility entrusted to police officers, the barriers imposed by HB 885 would significantly impede needed mechanisms for transparency, ultimately rolling back progress made toward fostering a more accountable policing system in Maryland.

For the foregoing reasons, we oppose HB 885.

misconduct was found to have occurred. See, e.g., *Balt. Police Dep’t v. Brooks*, 247 Md. App. 193 (Ct. Spec. App. 2020) (dismissing charges against officers in 15 cases because charging documents were not signed until more than one year after the incidents came to light, even though the charges were approved within the deadline).

CONSTELLATION TESTIMONY.pdf

Uploaded by: Deborah Levi

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILLS: House Bill 139 Public Safety - Police Accountability - Deadline for Completion of Investigation

House Bill 238 Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

House Bill 537 Police Discipline - Order to Show Cause

House Bill 885 Public Safety - Police Accountability - Investigation Records Relating to Unfounded and Exonerated Complaints

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 25, 2025 (JUD)

The Maryland Office of the Public Defender respectfully requests that this Committee issue an unfavorable report on House Bills 139, 238, 537, 885. Individually, and even more so collectively, these bills chip away at the processes enacted in the Police Accountability Act of 2021 and exacerbate the barriers and shortfalls that have already arisen.

Maryland has a tragic history with police accountability. Baltimore City received significant notoriety for the Gun Trace Task Force scandal, and remains in a federal consent decree due in large part to the lack of transparency, accountability, and oversight that allowed for the crimes of the GTTF to proliferate. While the most extensive and highest profile, they were not the only Maryland police department facing misconduct and corruption issues.¹ On this backdrop, the Legislature

¹ A few examples of police misconduct from around the state include the following: in 2020, then Maryland State Trooper, Cpl. John Sollon, pleaded guilty to charges of perjury and misconduct in office stemming from fabricated DUI arrests, <https://www.wbal.com/article/state-trooper-pleads-guilty-fabricating-dui-arrests/33523848>; in Frederick County, former Brunswick Police Officer, James Piccirilli, was sentenced to 30 months in federal prison after he pleaded guilty to possession of an unregulated fully automatic firearm. Mr. Picarinni tried to sell an illegally altered firearm to an undercover agent; Anne Arundel County

passed the Police Accountability Act of 2021, which aimed to root out misconduct by increasing transparency and accountability. Part of the Act provides for the establishment of administrative charging committees as independent bodies that review (but do not investigate) a police department's misconduct investigation and then decide on appropriate discipline.

While the law is nearly four years old, Maryland has been slow to fully staff the administrative charging committees or properly train its members. *See* William J. Ford, Rollout has been uneven for accountability boards required by 2021 police reform effort, Md. Matters, May 1, 2023. As the Capital News Service revealed just last year, "roughly a quarter of Maryland jurisdictions did not get their police oversight systems up and running before the July 2022 deadlines set by state lawmakers. The new oversight bodies in Baltimore City, along with Dorchester, Cecil and Kent Counties, did not meet until 2023." Paul Kiefer, Legal gray areas hinder police watchdogs, Md. Matters, May 8, 2024. In the four years since "state lawmakers celebrated the passage of the Maryland Police Accountability Act, the rollout of the new police oversight systems has proven slow, inconsistent and rife with disagreements about how to implement the new oversight process - challenges that frustrate critics and administrators alike." *Id.*

In jurisdictions where ACCs did get off to a timely start, some charging committees have been hampered by local police departments who delay providing committees with enough information to determine whether misconduct has occurred. More specifically, when determining

settled a lawsuit for \$75,000 after a Black man alleged that two white officers arrested him and kneeled on his neck for no legitimate reason, https://digealedition.baltimoresun.com/tribune/article_popover.aspx?guid=99175e9a-8e20-41e8-9e0a-c9d41f9e1c71; and former Anne Arundel County Officer Jacob Miskill pleaded guilty to felony theft and misconduct in office for abusing his police powers to steal guns from a deceased person's home; <https://www.aacounty.org/sao/press-releases/former-anne-arundel-county-police-officer-pleads-guilty-felony-theft>. Of course, the Police Accountability Act of 2021, also known as Anton's Law, was named after Anton Black, who was murdered by police in Caroline County; <https://www.baltimoresun.com/2019/01/27/in-a-small-eastern-shore-town-questions-remain-after-the-death-of-anton-black/>. Prince Georges County paid \$20 million dollars for the senseless death of Michael Green at the hands of the Prince Georges County Police Department; <https://www.nbcwashington.com/news/local/settlement-reached-in-handcuffed-mans-fatal-shooting/2429522/>; and an investigation into the conduct of officers in the Salisbury Police Department and a prosecutor in the Wicomico State's Attorney's Office jeopardized more than 600 criminal cases when theft and missing evidence was discovered. <https://baytobaynews.com/stories/hidden-evidence-at-center-of-salisbury-police-probe>.

whether misconduct has occurred, administrative charging committees are not authorized to complete their own investigations. Rather, they rely on the local police department to conduct the investigation for them, and when the committee needs more information, they are at the mercy of the local police department to gather that information. This process has resulted in incomplete, ineffective and untimely investigations across the State, including in Baltimore City: “According to two members of the five-person ‘administrative charging committee,’ the group has been receiving documents, either new or updated, from the Baltimore Police Department just as the misconduct cases are set to expire, leaving little time for a thorough and thoughtful review. Of the roughly 1,000 cases the committee has reviewed, nearly half of them were received within 15 days of their expiration, according to city data.” Ben Conarck, Frustrations with civilian oversight of Baltimore police are boiling over, *Balt. Banner*, Dec. 2, 2024. When information from the police department is delayed, ineffective and incomplete investigations result, leading to findings that are not reliable.

The measures proposed in the various bills being considered today will exacerbate these concerns. The bills largely seek to create time limits, with neither incentives or accountability measures for those time limits to be met nor tolling provisions for when they are unfeasible. The administrative charging committees (ACCs) have yet to be successfully implemented across the State, and many of the existing ones are backlogged, not properly trained, and delayed. Rather than address these problems, the revisions sought by these bills will reduce the number of completed investigations and increase the number of administrative closures without sufficient review, or worse dismissal on procedural grounds when a review identified misconduct.

Specific concerns relevant to each of the bills includes:

House Bill 136: This bill seeks to require that the investigating unit complete its review and forward its files within 9 months after the complaint. We regularly see investigations languish, with no accountability for the lack of resolution. Moreover, there is no provision for an extension for a complex investigation that may require additional time, or tolling for other processes or unavoidable delays. A recent case highlights in the *Baltimore Banner* attests to the complexity and challenges:

One that was reviewed last week involved eight officers, two different events, a variety of allegations, and body-worn camera footage that was not yet available for viewing, civil rights attorney and committee member Jesmond Riggins said. The night before the committee was set to meet and discuss the case, Riggins said the Police Department changed the

investigative report, altering a “disposition” for one of the allegations against an officer who was previously listed as exonerated. That officer was now found to have committed an improper search, Riggins said.

As the committee attempted to parse out the different officers and allegations at its weekly meeting the next day, “none of us were able to go through all of the evidence ourselves to develop a solid opinion,” Riggins said. “It was just too much at one time.”

Ben Conarck, Frustrations with civilian oversight of Baltimore police are boiling over, Balt. Banner, Dec. 2, 2024.

The lack of completed investigations and findings that would result from this bill will be further exacerbated in the context of the package of bills being contemplated today. For example, if House Bill 537 was also to pass, an officer could request an order to show cause during the investigation period, diverting attention away from this process during the 9 month window. Ultimately, a misbehaving officer will benefit from an investigation that is not completed in time, and the investigating unit will face no repercussions for allowing the investigations to lapse. This will result in serious and meritorious misconduct complaints being closed without getting the attention needed.

House Bill 238: Similar to House Bill 136, this bill seeks to set arbitrary deadlines for the complaint and investigation process, specifically by establishing a statute of limitations of one year and one day after the agency became aware of the incident for investigation review and administrative charges filed by the law enforcement agency, and one year and one day after any criminal charges have been resolved. This will exacerbate the existing problem of cases being administratively closed without a determination of whether misconduct occurred, or dismissed even when misconduct was found to have taken place. *See, e.g., Balt. Police Dep’t v. Brooks*, 247 Md. App. 193 (Ct. Spec. App. 2020) (dismissing charges against officers in 15 separate cases because in each the charging documents were not signed until more than 1 year after the incidents came to light, even though the charges were orally approved within the deadline). The one year deadline is a particularly acute problem in cases that result in civil litigation against the department. Such litigation virtually always takes more than one year, and can often reveal significant misconduct by officers or supervisors that was not otherwise disclosed.

House Bill 537: This bill seeks to allow an officer to move for an order to show in circuit court at any time before a hearing is held if the officer alleges that a right afforded in § 3-106 of the Maryland Public Safety Code is denied. This bill is an effort to resurrect the Law Enforcement Officers Bill of Rights, which this body voted to repeal just a few short years ago. Charges against law enforcement officers are now brought by the administrative charging committee, (ACC) so an order to show cause regarding a law enforcement agency is meaningless when it is the ACC that is actually bringing forth recommended discipline. Moreover, this section of the public safety code does not confer any rights to the officer, rather, the law gives the complainant the right to attend the public hearing, but there are no express rights afforded to officers in this statute. This bill would create two parallel proceedings, which defies notions of judicial economy and fairness. And in fact, merely creates an avenue for complaints to be closed when the investigative and disciplinary time limit was not adhered to because the officer filed an order to show cause to delay the trial board from taking place.

Ironically, while the other bills seeking to address the police misconduct investigation process seek to limit the time for a complaint to be filed, an investigation to take place, and a decision to be made, this bill provides a mechanism for law enforcement officers to postpone or delay proceedings against them. Particularly in conjunction with the other bills being considered, it will thwart thorough and timely investigations, and encourage complaints to be administratively closed without sufficient review due to the ability of police officers to delay proceedings past the authorized time limits.

House Bill 885: This bill seeks to provide for expungement of officer personnel records after three years for a complaint that is unfounded or exonerated. Unfounded complaints are not findings of innocence. Often, they are the result of woefully inadequate internal investigation by the local police department, which provide the basis for the administrative charging committees' decisions.

For example, after a thorough investigation into the internal affairs division of the Baltimore Police Department (BPD), the United States Department of Justice (DOJ) concluded that Baltimore's internal affairs division is incapable of reviewing, investigating, and following up on misconduct: "For years, the Department's process of investigating and adjudicating complaints has been plagued by systemic failures, including: discouraging individuals from filing complaints; poor investigative techniques; unnecessary delays; minimal review and supervision; and a persistent failure to discipline officers for misconduct, even in cases of repeated or egregious violations." United

States Department of Justice, Investigation into the Baltimore Police Department, Aug. 2016, at 140-150, available at https://www.justice.gov/d9/bpd_findings_8-10-16.pdf. The DOJ further concluded that the BPD “fails to investigate complaints in a timely manner or with effective techniques; that it uses “ineffective methods to investigate misconduct allegations;” it “fails to adequately supervise investigations;” and it fails to “consistently sustain complaints.” See *id.* at 145-150 available at https://www.justice.gov/d9/bpd_findings_8-10-16.pdf. The same DOJ report resulted in the BPD entering into a federal consent decree, which is still ongoing and from which the Baltimore Police Department has not been released. In other words, there has not been a determination by the federal court that BPD’s internal affairs system has developed into a reliable and trustworthy system. And as demonstrated by a recent affidavit filed by a former Major with the Baltimore Police Departments, questions regarding the integrity of the internal affairs division continue to loom large even today. *See* Stephanie Lansey Affidavit, Attached as Exhibit 1. As a result, it is not yet time to allow for, yet alone require, “unfounded” complaints to be expunged from a law enforcement officer’s record before there is complete certainty about the effectiveness and quality of the underlying investigations.

Moreover, while a complaint may be deemed unfounded by an internal affairs division of a local police department, that does not make that information undiscoverable in a criminal proceeding, particularly where there is not always confidence in the manner in which the underlying investigation was conducted. Maryland law requires prosecutors to provide defense counsel with impeachment material, in any form, whether or not admissible, that tends to impeach a state’s witness, negates or mitigates a defendant’s guilt, or could “lead to the discovery of usable evidence at trial.” *Fields v. State*, 432 Md. 650, 670 (2013) (quoting *Zaal v. State*, 326 Md. 54, 88 (1992)); see also *Brady v. Maryland*, 373 U.S. 83 (1963); *Kyles v. Whitley*, 514 U.S. 419 (1995); *Giglio v. U.S.*, 405 U.S. 150 (1972); *U.S. v. Agurs*, 427 U.S. 97 (1976); *Thomas v. State*, 372 Md. 342 (2002); *Goldsmith v. State*, 337 Md. 112 (1995); *Lyba v. State*, 321 Md. 564 (1991); Md. R. 4-263; 4-262; and 11-418. Under this bill, this body, composed of several officers of the Court, would be reaching too far to authorize the destruction of evidence that may qualify as impeachment or discoverable material.

* * *

Individually and collectively, these bills undermine the important efforts that this body made in response to police misconduct throughout Maryland. More is needed to ensure transparency and accountability by Maryland’s law enforcement, but these changes will bring us further backward.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bills 139, 238, 537, and 885.

Submitted by:

Deborah Katz Levi, Esq.
Maryland Office of the Public Defender
Chief of Strategic Litigation, Baltimore City
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EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

JEFFREY LILLY, *et al.*,

Plaintiffs,

vs.

BALTIMORE POLICE DEPARTMENT, *et al.*,

Defendants

C.A. No.: 1:22-cv-02752-BAH

AFFIDAVIT OF STEPHANIE LANSEY

STATE OF MARYLAND

HOWARD COUNTY

I, Stephanie Lansey, being first duly sworn, depose and state as follows:

1. Personal Background

I am over the age of eighteen and am competent to testify to the matters stated herein.

I am a former police officer with the Baltimore City Police Department. From February 2018 until April of 2021, I was the Major of Internal Affairs – which was renamed to Public Integrity Bureau while I was the commanding officer.

At all times while I was the Major of PIB, the Baltimore Police Department was under a consent decree.

In my capacity as the Major of the Public Integrity Bureau I interacted with Deputy Commissioner Brian Nadeau and [then] Lieutenant Daniel Popp on a near daily basis.

2. My Interactions with Deputy Commissioner Brian Nadeau and Daniel Popp

Brian Nadeau made himself the final decision maker on all cases at PIB. Brian Nadeau was intricately involved in most investigations and routinely micro-managed Detectives, Sergeants, Lieutenants and Captains.

While I was the Major, Deputy Commissioner Brian Nadeau strategically cut me out of the decision making as he felt I was too hard on the cases/detectives and demanded too much outside of their current investigative skills.

When Brian Nadeau arrived at PIB, weekly meetings named IA Stat were an important tool for holding the detectives accountable to timelines. IA Stat was attended by all the gold badges (supervisors) in the building and the detectives for investigation review. Shortly after his arrival, Deputy Commissioner Nadeau cut this important process out because he felt the detectives disliked it and he wanted to make them happy. Deputy Commissioner Nadeau clearly explained that this was a necessary step because many of the detectives had little to no investigative skills and really did not know how to start or investigate a case.

Rather than hold the detectives accountable, or teach them how to properly investigate cases, Brian Nadeau forged personal relationships with the detectives where he would go out to their desks and work with them on cases he had taken an interest in.

Brian Nadeau silenced me during our time at PIB as he felt I would never help the agency succeed in the eyes of the Department of Justice. I did not believe the 90-day process of case completion mandated under the consent decree was feasible. At that time, we were completing investigations in 365 days and detectives were holding cases until 350 days and then attempting to rush an investigation. Without other changes, insisting on a 90-day time period would only shorten the timeframe detectives had to complete an accurate and efficient investigation.

Sadly, the sergeants and lieutenants in PIB were also not adequately reviewing cases. I voiced my concerns about their deficiencies to Deputy Commissioner Nadeau, and I instituted a process where all cases with a finding of 'not sustained' had additional supervisory review by Lieutenant Jason Yerg. This process consistently identified cases in which a clear violation of agency policies occurred, yet the result of the investigation was 'not sustained.' Deputy Commissioner Nadeau stopped this process.

On one occasion, Brian Nadeau directed Daniel Popp to illegally serve discipline on an officer. Lieutenant Yerg was reviewing cases and found a case that Lieutenant Popp had allowed to move beyond its expiration date. The case was brought to my attention, and my rule was that when any case expired (meaning the investigative deadline was missed) the entire chain of command involved in that case would be charged. I took the case into Deputy Commissioner Nadeau's office, and he called in Lieutenant Popp. They discussed that they would solve the matter without charges. Deputy Commissioner Nadeau instructed Lieutenant Popp to go out and meet the accused officer and convince the officer to accept discipline. In this effort, Lieutenant Popp worked beyond his shift at the direction of Deputy Commissioner Nadeau. Lieutenant Popp then brought me an overtime slip which I refused to sign because I did not give the unlawful order or direction to clean up this matter.

When Deputy Commissioner Nadeau had an issue with an officer, he became personally involved in the investigation of that officer. One such example is the case of Natalie Preston which I recused myself from due to the close working relationship I had with Preston in the past. Deputy Commissioner Nadeau was extremely involved throughout the investigation and controlled the direction of the case. Another example was the case of John Fernandez and Timika Dyson Nadeau had plans to get Fernandez promoted and retained at PIB so he instructed the

accused to be separated and Fernandez's case worked swiftly and closed while Dyson's case was farmed out to an outside agency to be investigated due to her PIB assignment and close working relationship which Fernandez also had. Dyson's case was not closed until 2024.

Brian Nadeau routinely utilized discrete scare tactics to influence investigations and manipulate the outcomes of investigative hearings. One such tactic was sitting through the administrative hearings and/or wanting updates brought to him by Detective Lisa Riha. Detective Riha worked in the Office of Administrative Hearings and had a one-on-one relationship with Nadeau even though she had a personal chain of command she was expected to follow.

When Deputy Commissioner Nadeau arrived in PIB he took extraordinary steps to install technology which would allow him to watch, in real time, the investigative hearings and the detective interviews which occurred in the building. If there was an investigation he was interested in, Deputy Commissioner Nadeau would watch the detectives' interviews live from his office and then send down notes or go directly to the interview room to assist with questions he would like asked. Captain John Fernandez and Lieutenant Daniel Popp would also sit and watch the interviews with him.

Brian Nadeau routinely had detectives in his office providing him a step-by-step accounting on what they were doing on investigations. Deputy Commissioner Nadeau would clearly communicate where he would like them to take the investigation next (who and who not to interview).

3. **Brian Nadeau and Daniel Popp's Relationship**

Brain Nadeau and Daniel Popp are extremely close. Daniel Popp invited Brian Nadeau to his Florida destination wedding. Daniel Popp did not move without running all things by Brian

Nadeau because he was too afraid to make decisions on his own, particularly when those decisions could upset Deputy Commissioner Nadeau. I witnessed this scenario play out throughout my time in PIB.

4. My Departure from the Public Integrity Bureau and the Baltimore Police

Department

I left PIB to take a Major position within a district because I am not a person who can live in the gray. PIB cases are black and white and should stay that way. All cases should be handled with an unbiased eye and taken seriously, as a decision could change a person's livelihood drastically. Cases should not be rushed, and all "rocks" should be overturned to prove guilt/innocence. I do not believe in playing favorites and would always recuse myself if any idea of impartial feelings could be introduced. I read the policy and follow the steps. I do not bend the policies for friends or for anyone that others may not want to see disciplined.

Towards the end of my time in PIB I was beginning to see way too much of the 'gray' activity at PIB and was very uncomfortable with the staff that was being brought there, and the hostile and retaliatory environment Brian Nadeau had created.

During a Command Staff Meeting, Brian Nadeau observed two African American males walking across the parking lot and said to me "look at those mopeds coming in here." I asked what he meant by the language used to which he could not reply. I was extremely disturbed by the terminology he used, especially since the use could not be explained. I went out and met with the two males who were business owners reporting police corruption. I spoke with the Police Commissioner and his Chief of Staff about my concerns. They asked me what I wanted to do. I advised I wanted out of PIB, and I was then granted a transfer to the Eastern District as the

Major. The Police Commissioner and his Chief of Staff advised Deputy Commissioner Nadeau that I had reported him, and Brian Nadeau became very upset about this and called me into his office. His communication to me was very unprofessional. At this point I knew the agency was quickly shifting to a place I no longer belonged, and I retired approximately 14 months later.

5. **My Testimony**

My testimony is relevant to this case because I have become aware of litigation calling into questions the actions of Deputy Commissioner Nadeau as well as current and former members of the Public Integrity Bureau. The allegations I have been made aware of are consistent with the personal and professional observations from my time as the Major of the Public Integrity Bureau.

I am willing to testify truthfully to these facts in court. I make this statement freely and voluntarily. I have not been pressured, threatened, coerced, or otherwise induced to make these statements.

Notary Public Signature

Notary Public, State of Maryland

My Commission Expires

Notary Seal



6. Conclusion

I declare under penalty of perjury under the laws of the State of Maryland that the foregoing is true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Stephanie Lansey
[Signature of Affiant]

Stephanie Lansey

February 15, 2025

NOTARY BLOCK (State of Maryland)

STATE OF MARYLAND

HOWARD COUNTY

On this 15th day of February, 2025, before me, the undersigned Notary Public, personally appeared Stephanie Lansey, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

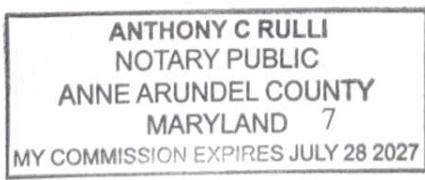
Notary Public Signature *Anthony C. Rulli*

[Printed Name of Notary Public] *Anthony C. Rulli*

Notary Public, State of Maryland

My Commission Expires: July 28, 2027

[Notarial Seal]



SSJC Testimony in Opposition to HB885 - Deletion

Uploaded by: Joanna Silver

Position: UNF



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

Submitted by:

Joanna Silver
Silver Spring Justice Coalition
Silver Spring, MD

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

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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.