



TESTIMONY IN OPPOSITION TO HB 508
Public Safety – Police Accountability – Investigation Records Relating to Not
Administratively Charged, Unfounded, and Exonerated Complaints
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Submitted by:

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My name is Robert Landau, a resident of Gaithersburg, in District 17. This testimony is submitted on behalf of the Silver Spring Justice Coalition in opposition to HB 508

Introduction to 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 HB 508

In furtherance of our work on police accountability in Montgomery County and across the state, we oppose HB 508 because police accountability is more than

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

All complaints should be accessible to investigators, ACCs, Trial Boards and the public

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 law enforcement 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.

Even exonerated and unfounded complaints may be helpful to Police Accountability Boards and others seeking to improve police training and policies

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 required conduct, or perhaps the agency policy neglects to address a certain conduct, which may be corrected in a 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 through changes in LEA policy, training, or other officer supports.

Removing portions of a complaint that are unfounded or exonerated is a difficult and impractical task

Proponents would have you think that excising portions of a complaint that are unfounded or exonerated is as simple as dumping a file in the garbage, but when not every single particular of a complaint is unfounded or exonerated, it becomes an extremely arduous and painstaking process to distinguish which words are to be redacted and which are retained. We fear that the bill will result in many errors resulting in the excessive deletion of information. This is not a job for AI.

Second-chance legislation is not comparable to expunging police records

The bill's proponents argue that because the General Assembly has enacted certain leniency statutes, that leniency should extend to expunging records of unfounded or exonerated complaints against law enforcement officers. This comparison is specious and unjustified. Access to police complaints has nothing to do with a long-history of racial discrimination or changes in public laws or policies. Police officers choose to engage with the public, and when a complaint about their conduct is brought – even when it is unfounded or exonerated – is still a matter of public record, to which the public has a statutory right to under the MPIA.

Public access to police records is not an accidental oversight by the General Assembly

In oral testimony before the Judicial Proceedings Committee on Feb. 5, 2026, proponents suggested that the 2021 police reforms that included the MPAA and Anton's Law amendments to the MPIA accidentally and unintentionally omitted a record-expungement provision. That is a gross misrepresentation and error! In 2021, the General Assembly voted for sweeping police transparency and

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accountability reforms that included Anton's Law, which deliberately gives public access to records of complaints against law enforcement officers. This was no accident or mistake.

Law enforcement officers have exceptional powers that warrant exceptional transparency

Proponents argue that because police may risk their lives for the public's safety that their exonerated or unfounded conduct should be shrouded from public view after three years. But no other civil servant has a gun and the power to kill and injure people. With that power comes a responsibility to be accountable to the public, even when a complaint is exonerated or unfounded.

The Committee should not roll back the progress and public protections previously enacted.

We urge an unfavorable report on HB 508.