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Karen Caplan
1801 Brisbane Street, Silver Spring, MD 20902-4017
quillkdc@me.com/(201) 780-5823

TESTIMONY IN SUPPORT OF HB1090

Law Enforcement – Complaints and Investigations and Use of Force (Anton’s Law)

TO: Chair Clippinger, Vice Chair Atterbeary, members of the Judiciary Committee

FROM: Karen Caplan, on behalf of Jews United for Justice (JUFJ)

My name is Karen Caplan. I am a resident of Silver Spring’s District 18 and a member of Jews United for Justice (JUFJ). JUFJ organizes 5,000 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice. I am submitting this testimony on behalf of JUFJ to express support for HB1090, also known as Anton’s Law.

First, many thanks to Delegate Acevero and the co-sponsors of this urgently needed bill. Our support for HB1090 rests on one simple premise and on a long and troubled record of police encounters with the public, both in this state and nationwide. The premise is this: we give police officers extraordinary power in this state and in this country; it is thus imperative that we make absolutely certain that with that power comes stringent oversight and accountability. We have long known that police sometimes abuse their power, especially in their encounters with Black and Brown people. But the scale of the problem has skyrocketed into our national conversation since the death of Mike Brown in Ferguson and the rise of the Black Lives Matter movement. With the death of Baltimore’s Freddie Gray, Maryland joined Missouri in the national spotlight. And the aftermath of the death of Anton Black, for whom this bill is named, revealed serious legal obstacles to the transparency that is absolutely necessary in order to hold police departments accountable for upholding integrity in hiring police officers and establishing standards of conduct. I support all provisions of this bill, but I want to focus here on those involving transparency.

After Mr. Black died in police custody in 2018, two things became clear: first, it is currently extremely difficult for families to obtain information about investigations into police killings of Maryland residents, or in fact investigations into any police misconduct. And second, our current laws impose extreme restrictions on what information can be made available about a police officer’s past record of accusations of misconduct. This bill corrects the first of these faults by requiring that complainants receive the investigatory file. No family should have to suffer the kind of stress that came with the prolonged withholding of information from Mr. Black’s family, and no potential victim of police misconduct should be denied a clear explanation of whatever result an investigation might have.

It is also clearly in the interest of both particular complainants and the public as a whole that we have access to information about previous complaints made against an officer who has been

accused of misconduct. In the case of Mr. Black, we now know that one of the officers involved, Thomas Webster IV, had worked previously in Dover, DE, where he had resigned after accusations of brutality and where he had accumulated over 30 use-of-force complaints. This realization led to increased scrutiny of the Maryland Public Information Act (MPIA), which treats all prior complaints as part of a police officer's personnel record and therefore unreleasable to the public. Anton's Law would correct this barrier to transparency by excluding records relating to formal complaints of job-related misconduct made against a law enforcement officer from the definition of personnel records and requiring that a complainant be provided with records of all previous complaints against an officer. At present, 28 other states allow more access to these kinds of records than Maryland does. These provisions in Anton's Law go a long way to move Maryland forward into the mainstream and even into the forefront on police transparency reform.

Police officers are supposed to be there to protect the residents of Maryland. To enable them, we have given them extraordinary power, including power over the life and death of the people they encounter. The simple truth is that sometimes they use that power in a way that poses a danger to the population they are supposed to protect. We don't need to argue about how prevalent this problem is to recognize it as a problem. Our current legal structures make it difficult to hold Maryland police accountable for their actions.

The Jewish tradition tasks us with carrying out the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." It is high time that we acknowledge the long history of police misconduct and take the necessary steps to address it. **We urge the committee to return a favorable report on HB1090.**