

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 69

(Senator Bailey)

Judicial Proceedings

Judiciary

Public Safety - Law Enforcement Agencies - Positive Community Feedback

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to develop a uniform citizen positive community feedback process to be adopted and followed by each law enforcement agency. The process must be (1) simple and (2) posted on MPTSC’s website and on the website of each law enforcement agency that maintains a website. Each law enforcement agency must maintain a record of positive community feedback for all law enforcement officers within the agency. A record of positive community feedback is not considered a personnel record under the Maryland Public Information Act (PIA). Notwithstanding any other provision of law, records of positive community feedback are subject to public inspection in accordance with PIA.

Fiscal Summary

State Effect: MPTSC can adopt and post the required process using existing resources. While any State law enforcement agency that has an existing positive feedback process in place may need to update its process to meet the uniform process adopted by MPTSC pursuant to the bill, such alterations are not expected to materially affect State expenditures. Any impact on PIA-related activities is not expected to materially affect State finances. Revenues are not materially affected.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law:

Maryland Police Training and Standards Commission: MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. Among other duties, MPTSC is required to (1) establish a Police Complaint Mediation Program to which a law enforcement agency may refer a nonviolent complaint made against a police officer out of the standard complaint process; (2) refer a complaint referred to the program to voluntary mediation conducted by an independent mediation service; and (3) adopt regulations to implement the program, including criteria concerning eligibility for referral of complaints. In addition, MPTSC must develop a uniform citizen complaint process to be followed by each law enforcement agency that is simple, requires that a complainant be informed of the final disposition of the complainant's complaint and any discipline imposed as a result, and is posted on MPTSC's and each law enforcement agency's website.

Inspection of Police Discipline Records: Chapter 62 of 2021 established that, except for a record of a technical infraction, a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a personnel record for purposes of PIA. Thus, such records are not subject to mandatory denial of inspection under PIA; instead, they are subject to discretionary denial as provided under PIA. However, a custodian must allow inspection of such records by the U.S. Attorney, the Attorney General, the State Prosecutor, or the State's Attorney for the jurisdiction relevant to the record. In addition, a custodian must redact the portions of a record that reflects medical information of the person in interest, personal contact information of the person in interest or a witness, or information relating to the family of the person in interest. A custodian may redact the portions of a record to the extent that the record reflects witness information. A custodian must notify the person in interest when the record is inspected but may not disclose the identity of the requestor to the person in interest. "Technical infraction" means a minor rule violation by an individual solely related to the enforcement of administrative rules that (1) does not involve an interaction between a member of the public and the individual; (2) does not relate to the individual's investigative, enforcement, training, supervision, or reporting responsibilities; and (3) is not otherwise a matter of public concern.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 581 of 2022.

Designated Cross File: HB 682 (Delegate Valentine, *et al.*) - Judiciary.

Information Source(s): Caroline, Howard, and Prince George's counties; City of Havre de Grace; Comptroller's Office; Baltimore City Community College; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Health; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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