



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

121 Mystic Avenue, Suite 9
Medford, Massachusetts 02155
T: (781) 393.6985

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To: William C. Smith, Jr., Chair
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Judicial Proceedings Committee

From: Major Neill Franklin, Ret., on behalf of the
Law Enforcement Action Partnership (LEAP)

Support - Senate Bill 178

Public Information Act – Personnel Records – Investigations of Law Enforcement Officers (Anton's Law)

Hearing: Thursday, January 21, 2021

Distinguished members of the Committee, thank you very much for the opportunity to present the views of the Law Enforcement Action Partnership (LEAP) in support of Senate Bill (SB) 178.

The Law Enforcement Action Partnership's mission is to unite and mobilize the voice of law enforcement in support of drug policy and criminal justice reforms that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working toward healing police-community relations.

"While policing is a tough job, departments can improve their effectiveness and the safety of their officers by being transparent and accountable, particularly in moments of tension. After use of force incidents, departments should allow independent investigations, keep the public informed, and retrain or remove officers when warranted. By pruning individual bad apples, departments prove the health of the tree." This is a quote directly from our website and you can see, it speaks specifically about transparency and accountability, two essential things needed for improving safety.

I have served in three Maryland agencies as a commander, the Maryland State Police as the head of training, the Baltimore Police Department as the Chief of Human Resources and head of training, and the Maryland Transit Administration as the head of Internal Affairs and the Office of Professional Standards. We train our police officers to be accountable servants to the community and upon leaving the academy; this is who they believe they are. But because of the "street" policing culture of misconduct cover-ups and lack of accountability, many potentially good police officers are quickly converted to members of a secretive non-transparent closed society where "the code of silence" has become their oath of office.

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

As we continue the daunting and necessary task of police reform, it is important that we protect the rights of our public servants. Specifically, the intimate details contained within a police officer's personnel file must be safeguarded in the same manner as any other employee. SB178 does not jeopardize this protection. This bill is about public police behavior occurring within the communities in which they work.

According to Sir Robert Peel of Great Britain, who is viewed by many of our police leaders as the father of modern policing, "the police are the public and the public are the police." This is principle number seven of the nine Peelian Principles. Principle number two states, "To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and on their ability to secure and maintain public respect." In short, we exist because of the public and the work we do "for them" should be approved "by them." As such, the public should be informed of all that we do within the community. They must have access to police behavior within the community, good and bad. This level of transparency is not only necessary for securing public respect (trust), but it is their right.

This legislation would allow disclosure of 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.

As the former chief of human resources for the Baltimore Police Department, it is my expert opinion that public access to police conduct records does not violate the rights of police officers. The records in question reflect police behavior as they carry out their duties within community and in order for the public to have the ability to approve, or disapprove, they must have detailed knowledge of the behavior and the investigative results.

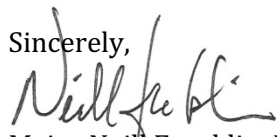
From a managerial perspective, police leaders have a responsibility first and foremost to the public. It is their responsibility to ensure the highest level of service, which comes in many forms (police availability, responsiveness, providing information and education, investigatory services, crime prevention, victim services and protection from Constitutional rights violations). A primary process of investigating crimes, which aids with the capture of habitual criminals, requires public cooperation in the form of witnesses. Where citizens lack trust in their police force, they also lack confidence in coming forward as a witness to violent crime and in many cases, victims of violent crime fear reporting the crime to police. This is referred to as the "chilling effect" where the severe lack of trust perpetuates violent crime.

In closing, no fewer than twelve (12) states have seen the need for transparency and have policies allowing for broad public access to such files. Fifteen (15) states have some form of limited access bringing that total to twenty-seven (27) states understanding the importance of transparency. None of these states report any dangerous conditions for police officers relative to disclosing such information. The twenty-three (23) remaining states lag behind with keeping this information secret and Maryland is one of them.

It is unconscionable that a complainant of police misconduct would have no access to the results of an investigation where they, or their child, may have been the victim of inappropriate police action. Victims of crime have access to investigations and the results, and so should victims of police misconduct. It's time to begin dismantling the "code of silence" and implement a new "code of transparency." This transparency would also go a very long way in improving safety for police officers. When citizens respect their police, they protect their police.

It is for these reasons that we, members of the Law Enforcement Action Partnership, support SB178 and ask that you, the members of this committee, give SB178 a favorable report.

Sincerely,



Major Neill Franklin, Ret.
Treasurer

*Formerly with the Maryland State Police, Baltimore Police Department and Maryland Transit Police Force