



Maryland | Delaware | DC Press Association

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To: Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: January 21, 2021

Re: SB 178 - SUPPORT

The Maryland-Delaware-District of Columbia Press Association represents news media in Maryland. Our members range from large metro dailies such as The Washington Post and Baltimore Sun, to local dailies such as the Daily Times and Herald-Mail to niche and online publications such as The Daily Record and Maryland Matters. The Association supports SB 178 and urges a favorable report.

SB 178 is a straightforward bill that would bring needed transparency into complaints of police misconduct. Currently, formal complaints of police conduct are classified as personnel records which are not subject to disclosure under Maryland's Public Information Act. This bill reclassifies records of investigations into alleged employee job misconduct as "investigatory records" rather than "personnel records" and thus are not categorically barred from disclosure under the MPIA. Those records would be in the permissible disclosure category, subject to protections to protect privacy, ongoing investigations, and other legitimate interests.

This issue is important to our members because increasingly, in our member reporters' experience, records are being classified as personnel records, making it more and more difficult to gather news and information important to the public. Investigations into employee misconduct shed light on the practices of public employees, particularly police, and can establish patterns of behavior. Nearly every year, there are notable investigations where the use of personnel records are critical, either by inclusion or absence.

One of the most visible examples is Baltimore's Gun Trace Task Force, reported extensively by Justin Fenton of the Baltimore Sun and others (June 2019, <https://news.baltimoresun.com/cops-and-robbers/part-one/>). It is shocking for many to see the long term pattern of misconduct by members of the GTTF. Had this law been in place during the reign of the GTTF, reporters, advocates and the general public may have been able to connect the dots more quickly to uncover the misconduct.

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In another example, the Baltimore Sun reported in December 2018 a pattern of wrongful expungement of internal affairs records for police officers accused of misconduct (December 2018, <https://www.baltimoresun.com/news/maryland/crime/bs-md-ci-internal-affairs-files-expunged-20181015-story.html>). This bill would make those records available under the PIA and make it more difficult to sweep internal investigations and complaints aside.

Opening up police misconduct records can also shed light on department-wide practices. In a 2015 Washington Post investigation, reporters looked at the misuse of Tasers by law enforcement officers, a topic of great public importance (November 2015, <http://www.washingtonpost.com/sf/investigative/2015/11/26/improper-techniques-increased-risks/>). Records of investigations into alleged employee job misconduct were used extensively in that reporting.

There is a compelling public interest in the investigation and discipline of police accused of misconduct. Marylanders have the right to know how they are being policed. Transparency builds the public trust and citizens should be able to know the results and process sparked by complaints of police misconduct. The Press Association urges a favorable report.