



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 178 - Public Information Act - Personnel Records - Investigations of Law Enforcement Officers (Anton's Law)

POSITION: Support

BY: Lois Hybl and Richard Willson – Co-Presidents

Date: January 21, 2021

On June 25, 2020 at the National Convention of the League of Women Voters of the United States the following resolution was adopted: The League of Women Voters shall advocate against systemic racism in the justice system and, at a minimum, for preventing excessive force and brutality by law enforcement. We also call for prompt actions by all League members to advocate within every level of government to eradicate systemic racism, and the harm that it causes.

Maryland's Public Information Act (MPIA) prohibits disclosure of disciplinary files. If one files a complaint of police misconduct, only the outcome of investigation may be revealed. The public does not know whether the investigation was thorough. For example, what evidence did they look at, who was interviewed, did they review body camera footage? Secrecy about investigations is undermining the trust that police are being held accountable for their actions.

SB178 would change the law to state that investigation of misconduct by a law enforcement officer, including an internal investigatory record, a hearing record and records relating to a disciplinary decision would **not** be considered personnel records and therefore remove police discipline files from the "**shall deny**" section of the MPIA and put them in the "**may deny**" section of the MPIA.

According to the ACLU, Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public. Even in conservative states, like Alabama, Georgia, and Arizona, police disciplinary records are generally available to the public.

We urge a favorable report on SB 178.