

TESTIMONY FOR SB 178

Bill Sponsor: Senator Carter

Committee: Senate Judicial Proceedings

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Sam Harvey

Position: FAVORABLE

I am submitting this testimony in favor of SB 178 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive Movement.

Caucus members consistently support legislation that builds toward a more perfect justice system, and legislation that promotes the highest level of transparency possible, toward the greater ability of the people to review the ways its government operates.

Following the tragic death of Anton Black, on September 15, 2018, his family and friends sought for ways to change the system, to prevent tragedies like the one they and so many others had suffered, from befalling others. They sought a requirement that law enforcement should release information about any investigations into incidents like this, and that law enforcement should release information about any prior complaints against the involved officers.

There is some risk that the release of prior complaints could lead to a diminution of the investigated officers' rights to due process, as these incidents could be "tried in the media" once their records are made public. SB 178 effectively safeguards against this risk, granting the custodian the ability to deny inspection if it would "deprive another person of a right to a fair trial or an impartial adjudication." This seems just – the civil rights of one party must not be sacrificed to advance the civil rights of another.

However, the degree of risk that the civil rights of law enforcement officers may be diminished, must be set against the absolute certainty that all of Anton Black's civil rights were entirely extinguished at age 19, and that is the most important issue and the one we must remain focused on.

That Anton Black's family and friends had to wait, and wait, for answers – that was cruel and unnecessary (and when those answers finally came, they only confirmed what many had pessimistically suspected). The system that rehired an officer who'd been fired from a different department, who had a record of being physically abusive to a suspect in custody, is not likely to change unless the people are given these records in the very instants following the occurrence of these tragedies. Without this information, all arguments seem strictly emotional, and therefore carry less weight. It could be argued that the emotional pain of grieving families should provide sufficient pressure to affect changes in policy, but in this world it takes cold, hard facts.

These family members and friends should have this information immediately – not months and months later. It's already too much to ask that they should bear the responsibility for pressuring the system into changing, but we must face the harsh reality that the system hasn't changed, and it appears unlikely that it ever will, without that kind of public pressure. To apply this pressure in an effort to continually improve our justice system is in the best keeping with our democratic ideals, and this bill provides the necessary tools for that work. I urge you to support SB 178.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.