



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

TO: The Honorable Members of the House Judiciary Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: House Bill 671 Public Information Act – Personnel and Investigatory Records – Complaints Against Police Officers

DATE: February 9, 2021

POSITION: SUPPORT

Chair Clippinger, Vice-Chair Atterbearly, and members of the Committee, please be advised that the Baltimore Police Department **supports** House Bill 671.

House Bill 671 is a smart, responsible way to provide the public with necessary insight into the ways law enforcement agencies discipline their officers. It establishes transparency by enumerating the types of misconduct allegations in which agencies may permit the inspection of an investigation record, hearing record or a disciplinary decision and provides a layer of accountability by requiring the agency to also share the information with the United States Attorney, the Attorney General, the State Prosecutor and the State's Attorney, if requested to do so.

The bill would permit the review of files under the following circumstances:

- ✓ The alleged misconduct involves the discharge of a firearm;
- ✓ The alleged misconduct involves the use of force resulting in death or serious bodily injury;
- ✓ The officer was administratively charged with:
 - Committing a sexual assault;
 - Engaging in dishonesty, committing perjury, making false statements, filing false reports, or destroying, falsifying, or concealing evidence directly relating to the reporting, investigation, or prosecution of a crime;
 - Engaging in prohibited discrimination directly relating to the reporting, investigation, or prosecution of a crime; or
 - Improperly using force against a member of the public.

Inspection of a record described could only be denied if it would:

- ✓ Interfere with a valid/proper law enforcement proceeding;
- ✓ Deprive another of a right to a fair trial;

- ✓ Constitute an unwarranted invasion of personal privacy;
- ✓ Disclose an investigative technique;
- ✓ Prejudice an investigation; or
- ✓ Endanger the life or physical safety of another.

It is important to note, that if the request to inspect the file is denied, the custodian must provide a statement of the outcome of the investigation.

Although this bill does not permit information about all misconduct allegations to be released, it permits the release of all of the allegations that must be released in order to assure the community that their safety is a priority of those who lead law enforcement agencies. Moreover, the public must be able to verify that their claims of inappropriate use of force, discrimination, sexual misconduct and dishonesty are being fully investigated and that leadership will consistently hold officers accountable if they violate policy, training or law.

House Bill 671 creates a mechanism through which the public can have crucial insight into the disciplinary process. We must have this type of transparency to regain the trust of the residents we serve.

Therefore, we respectfully request a **favorable** report on House Bill 671.