



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 9, 2021

BILL NUMBER: House Bill 671 **Position:** Support

BILL TITLE: Public Information Act – Personnel and Investigatory Records –
Complaints Against Police Officers

REVIEW AND ANALYSIS:

This legislation seeks to establish that a record relating to a formal complaint of job-related misconduct made against a police officer is not a personnel record under certain provisions of the Public Information Act. This legislation also requires each law enforcement agency to annually submit certain information relating to use of force complaints to the Maryland Police Training and Standards Commission and requires the Commission to annually post on its website and submit to the General Assembly a combined report for all law enforcement agencies. It also requires a custodian to allow inspection of certain records by the United States Attorney, the Attorney General, the State Prosecutor, or a State's Attorney.

Under current law, investigative records for administrative charges are deemed personnel records and not subject to disclosure under the Public Information Act. The United States Attorney, the Attorney General, the State Prosecutor, or a State's Attorney all have the ability to receive administrative records if there is an accusation of criminal activity.

The Department believes in transparency and police accountability. The disclosure of disciplinary records for alleged misconduct involving the death or serious bodily injury of another, in cases where the officer has plead guilty, accepted discipline, or is found guilty at a trial board involving integrity violations, sexual assault or discrimination, is reasonable. These disclosures of serious allegations of misconduct directly impact the community and how it feels about its police department and the officers who serve.

House Bill 671 provides reasonable requirements for the disclosure of serious misconduct cases and requires the reporting of use of force cases to the Commission. The Department believes a report, published and available to the public, is a good reference tool for the community and other interested persons.

For these reasons, the Department of State Police urges the Committee to give House Bill 671 a favorable report.