



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB777
- Public Information Act - Records Relating to Police Misconduct -
Fees -
Before the Senate Judicial Proceedings Committee
On March 15, 2022**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

Senate Bill 777 seeks to protect the integrity of the Maryland Public Information Act (PIA) and Anton's Law ([SB178](#))(2021) by preventing law enforcement agencies from erecting high paywalls that limit the public's ability to obtain and inspect police misconduct records.

Senate Bill 777, as amended, reinforces existing law¹ by prohibiting law enforcement agencies from charging a fee for the search and preparation of a record found to be within the public's interest. The bill also requires the Governor's Office of Crime Control and Prevention to withhold certain funding from a non-compliant agency in the fiscal year following its violation.

Last year, after years of debate and a summer of nationwide protest against the taking of Black Lives by law enforcement, the General Assembly passed historic police reform legislation that included Anton's Law - a bill designed to provide transparency to police discipline and bring the state in line with the majority of the country. Among other things, the law granted public access to police misconduct records for the first time in the state's history. Read in tandem with the PIA, any person who has the right to inspect a

¹ https://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf

misconduct record could expect to be charged a “reasonable fee” to obtain the record.

Unfortunately, according to [public reporting](#) and complaints to my office, some law enforcement agencies have been charging members of the public, including members of the press, unreasonably high fees to obtain misconduct records. For example, the Montgomery County Police Department initially charged the Silver Spring Justice Coalition \$95,000 for copies of disciplinary records. The Baltimore Police Department charged Open Justice Baltimore fees in excess of \$100,000, sparking a lawsuit. Agencies in different counties have charged Baltimore City public defenders fees varying from \$10 to a half-million dollars.

This is troublesome and obstructive. I think all would agree that police departments should welcome transparency and not shy away from it. They should be proud of the work they do to protect and serve their communities, which includes not hesitating to demonstrate that they are not, and will not, tolerate misconduct. Ensuring the timely and cost-free release of misconduct records to individuals who have the right to inspect them is an important part of building community trust.

When implemented as intended, Anton’s Law will be the standard of police transparency for the rest of the country. By passing Senate Bill 777, we will further our efforts in 2021 to move Maryland one step closer to creating a culture of full transparency and accountability in law enforcement.

As such, I ask for a favorable report on Senate Bill 777.

Sincerely,



Jill P. Carter, Esq.