



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Chief of Staff David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 15, 2022

RE: **SB 777 – Public Information Act – Recording Relating to Police Misconduct - Fees**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 777**. This bill prohibits an official custodian from charging a search and preparation fee under the Maryland Public Information Act for the first 500 pages of a record request if the record for inspection relates to an administrative or criminal investigation of misconduct by a police officer.

Legislation that passed last session, Ch. 62, Acts of 2021, established that, except for technical infractions, a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a protected personnel record for purposes of the Maryland Public Information Act (MPIA). Instead, these records are treated as investigatory records subject to discretionary denial of inspection. Since the legislation's effective date of October 1, 2021, law enforcement agencies have received numerous MPIA requests related to law enforcement officer complaints and disciplinary actions. Law Enforcement Agencies have seen a significant increase in MPIA requests since October 1, 2021, which tend to be incredibly complex and a time-consuming resource.

Although the MPIA requests that law enforcement agencies receive are assigned as a priority, due to statutory time considerations, removing the ability to receive financial reimbursement beyond the first two hours, puts an unfair financial burden on public safety. Many of these MPIA requests involve multiple days of meticulous work involving redactions to confidential and private witness and victim information.

Law enforcement agencies are doing their best to comply with the many requests that have been made since the new law took effect and they should be able to recoup reasonable expenses associated with them. While the MPIA serves a public interest, it should not place an unreasonable financial burden on Maryland's Law Enforcement Agencies.

For these reasons, MCPA and MSA **OPPOSE SB 777** and urge an **UNFAVORABLE** Committee report.