

Montgomery County Enables Fraternal Order of Police Attack on *Anton's Law*



What is *Anton's Law*?

In 2018, nineteen-year-old Anton Black died in police custody in Greensboro, Maryland. Eager to learn the truth about their loved one's death, his family tried to obtain police records related to his death. However, they struggled for months to get the answers they needed, in part because Maryland law previously prohibited police departments from disclosing any records of disciplinary investigations of potential police misconduct.

Thanks to the passionate advocacy of Mr. Black's family and advocates across the state, working with the Maryland Coalition for Justice and Police Accountability, the General Assembly passed *Anton's Law* (SB 178) in 2021.

Among other changes that sought to increase police transparency, *Anton's Law* explicitly declared that records of investigations into police misconduct should be disclosed under the state's public records law just like records of other police investigations.

Montgomery County's Backroom Deal

Officials in Montgomery County have resisted increased transparency efforts by making a backroom deal with the local Fraternal Order of Police (FOP) that undermines *Anton's Law*. The deal requires the County to notify the FOP and the officer whenever someone requests an officer's disciplinary records.

The FOP and officer then have the opportunity to review the records prior to them being released so that they can file a lawsuit to block their disclosure. This effectively gives the FOP the ability to prevent the release of records it wants to hide and violates the disclosure obligations in *Anton's Law itself*. This is precisely what happened in this case.

The Current Case

The current litigation, *Doe v. Montgomery County*, began when a citizen exercised her right to request a police officer's disciplinary records. Because of the backroom deal, however, the FOP sued the County to keep the records hidden from the public eye. Initially, the FOP and the County together agreed to litigate this issue in secret by improperly consenting to a protective order, concealing critical information about the case from public view. The lawsuit wrongly asserts that *Anton's Law* is unconstitutional and seeks to have state judges rewrite the law to prevent the release of records that the General Assembly said should be released.

Several other parties joined the lawsuit to ensure the arguments would be public, to defend *Anton's Law*, and protect the public's right to receive information. These parties include the Maryland Coalition for Justice and Police Accountability, the Reporters Committee for Freedom of the Press, The Washington Post, and the citizen who originally requested the police records.

The outcome of this case will have significant consequences for the public's right to access information in Maryland. At stake is the legacy of *Anton's Law* and everything it represents about the fight to increase transparency and seek government accountability.

Learn more: aclu-md.org/antonblack