



Maryland Coalition for Justice and Police Accountability

REFORM THE PUBLIC INFORMATION ACT

THE PROBLEM

When you file a complaint of police misconduct, you cannot find out how the department investigates your complaint. All you can find out is the outcome and any discipline; you cannot find out whether the department conducted a thorough or lackluster investigation of your complaint. This is because the complaint file is considered a “personnel record” under Maryland’s Public Information Act, and personnel records may never be disclosed.

THE SOLUTION

Remove the complaint file from the personnel record category, thereby allowing the police department to disclose them in appropriate situations.

WHY THIS MATTERS

- 1. Communities have a right to know whether police misconduct is investigated by the police department** — whether and how witnesses are contacted, body camera footage is reviewed, etc.
- 2. Police need independent oversight** — Police have shown time and again that they are unable or unwilling to police themselves. This is why the community must be given the tools to oversee the departments.

- 3. If police abuse is investigated, there is nothing to hide** — If departments are investigating abuse thoroughly, there should be nothing to hide.
- 4. Transparency is necessary for community trust** — Secrecy undermines community trust in police, at a time when police departments should be mending and improving their relationships with the communities they are sworn to protect.

Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-nine other states make disclosure of complaint files more accessible to the public. Even in conservative states, like Alabama, Georgia, and Arizona, police disciplinary records are generally available to the public.

A coalition of over 75 groups from across the state are calling on Maryland legislators to support strong, renewed demands for police reform and accountability:

- 1** Repeal in full the Law Enforcement Officers’ Bill of Rights.
- 2** **Reform the Public Information Act to allow disclosure of all complaints of police misconduct.**
- 3** Establish a statewide use of force policy that will prevent officers from using force unless it is necessary.
- 4** Remove school resource officers from schools.
- 5** Return control of the Baltimore City Police Department to Baltimore City residents.

SUPPORT TRANSPARENCY

FREQUENTLY ASKED QUESTIONS

What about officers' privacy?

- Reforming the MPIA would allow police departments to consider everyone's privacy — including officers and residents — before releasing any information.

Isn't it dangerous to require disclosure of these records?

- This reform allows disclosure, but it does not mandate it.

Why should unsustained investigations, where the officer is not found guilty, be public?

- The vast majority of investigations are unsustained.
- Investigations that are slow-walked, biased, and half-hearted will be unsustained — that's what communities need the most oversight over.

How do other states handle disciplinary records?

- Most states allow disclosure of some records.
- Maryland is in the minority.

Find more information about the five necessary police reforms in Maryland, and the more than 75 organizations calling for them: aclu-md.org/reimaginepolicing

**“Sunshine is...
the best of
disinfectants.”**

-Supreme Court Justice
Louis Brandeis

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An investigator made minimal attempts to look into a woman's complaint that two BPD officers fondled her when conducting a search and called her a 'junkie, whore bitch.' The woman's complaint went uninvestigated for so long that by the time the investigator contacted the first witness, the complainant had died. As a result, that complaint was found not sustained.

-U.S. Department of Justice, 2016 Investigation of the Baltimore Police Department

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The [MPIA] further limits BPD's transparency to the public [...]. We heard from numerous sources that this provision has repeatedly blocked attempts to access information about the resolution of complaints and other issues of public concern related to BPD's policing activities.

-U.S. Department of Justice 2016 Investigation of the Baltimore Police Department

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