

OUR COMMUNITIES DESERVE TRANSPARENCY

ACLU
Maryland



OPPOSE HB 1221 unless **AMENDED** to give transparency over more misconduct

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 the complaint file in appropriate situations.

WHY THIS MATTERS

In 2009, Somerset County resident Teleta Dashiell received a voicemail message from an officer hoping to obtain her assistance on a case. Mistakenly, believing he had hung up the phone, the officer then referred to Ms. Dashiell by the N-word. When she filed a complaint against the officer and followed up to learn how it was handled, the department refused to respond, contending that all records pertaining to her complaint and its investigation – even including her own statement – were confidential “personnel records” under the MPIA.

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

-Supreme Court Justice
Louis Brandeis

SUPPORT TRANSPARENCY

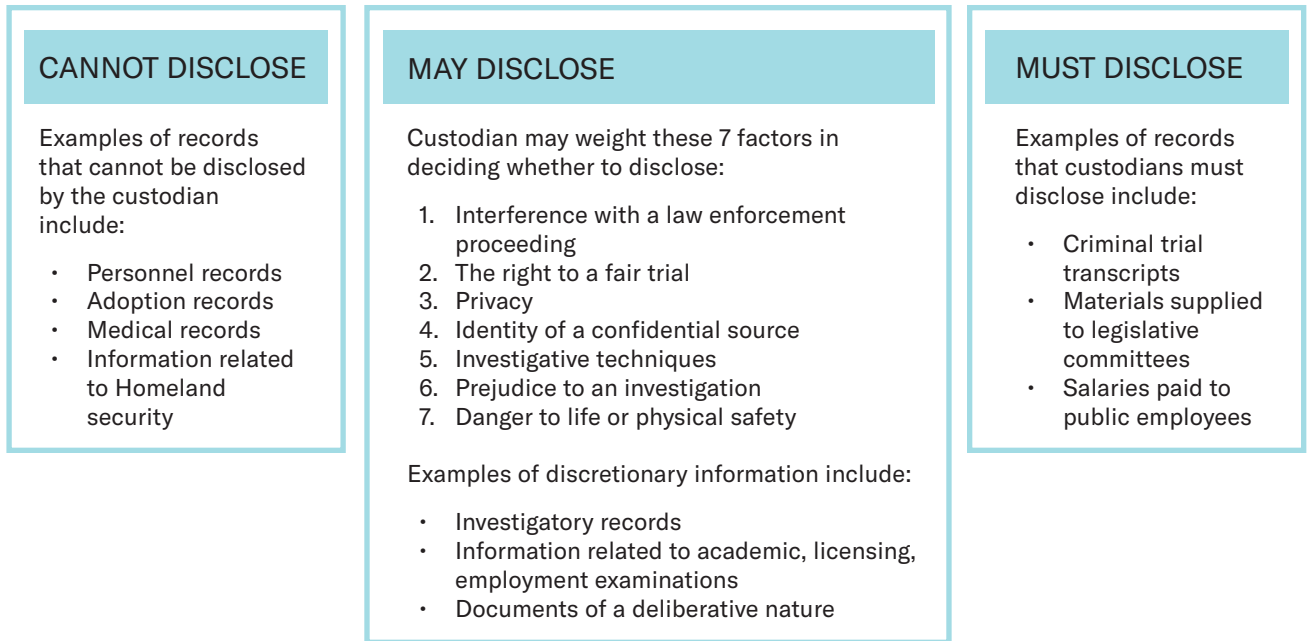


An investigator made minimal attempts to look into a woman's complaint that two BPD officers **fondled her** when conducting a search and called her a "junkie, whore bitch." The woman's complaint went uninvestigated for so long that by the time the investigator contacted the first witness, the complainant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

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



CURRENTLY, THE MPIA GROUPS INFORMATION INTO 3 BUCKETS:



Maryland ranks among the least transparent states with regard to police misconduct complaints. Twenty-eight 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.

SUPPORTING ORGANIZATIONS:

1199SEIU, ACLU of Maryland, ACLU – Montgomery County Chapter, CASA, Christ, Congregational Church UCC Racial Justice Circle, Coalition of Concerned Mothers, Coalition for Justice for Anton Black, Common Cause Maryland, FreeState Justice, Hispanic National Law Enforcement Association, Jews United for Justice, Law Enforcement Action Partnership, Leaders of a Beautiful Struggle, Maryland State Conference of NAACP Branches, Moms of Black Boys United for Social Change, Montgomery County Civil Rights Coalition, Montgomery County Democratic Socialists of America, Power Inside, Prevent Gun Violence Ministry, Progressive Maryland, Public Justice Center, Racial Justice NOW! DMV, Silver Spring Justice Coalition, SURJ Montgomery County, Takoma Park Mobilization



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

