

ENSURE POLICE ACCOUNTABILITY IN MARYLAND

STOP SHIELDING OFFICER MISCONDUCT RECORDS

THE RECORD-SHIELDING PROBLEM

Misconduct complaints against police officers are investigated in a shroud of secrecy because state law has been interpreted to prohibit the release of officer disciplinary records. People who are subjected to law enforcement activity should be able to access information about the disciplinary records of officers serving their communities, particularly if they have concerns about officers with whom they interact. Yet, Marylanders cannot determine whether a police department meaningfully investigated alleged misconduct, or if the department conducted any investigation at all.

THE TRANSPARENCY SOLUTION

Transparency regarding a department's handling of police misconduct complaints is vital to building confidence in public safety services and ensuring police accountability. At least a dozen states give residents more access than Maryland to an officer's disciplinary record.¹ Maryland officials should make police disciplinary records public - while also protecting the privacy of complainants and accused officers - and adopt these reforms:

→ **Make police misconduct investigations and disciplinary records available to the public.**

All complaints, regardless of the type of complaint, may touch on an officer's integrity. To build confidence in their public safety system, communities served by law enforcement agencies must know whether complaints are investigated fairly, whether or not the investigation supported the allegations made in the complaint, and whether the accused officer was disciplined.

→ **Disclose complaint files regardless of how they are closed.** Police departments dismiss or clear most complaints against officers. But these dismissals may be a result of inadequate investigations into credible complaints.² The only way to ensure that departments are properly investigating complaints and being responsive to the lived experience of Black and other communities who experience misconduct and file complaints is by reviewing the departments' investigations into all complaints, regardless of their outcome.

→ **Require police departments to annually report outcomes of police misconduct investigations.** Annual reporting of the number and types of complaints received and resolved will help law enforcement better assess their own performance and strengthen the public's ability to determine the adequacy of current accountability measures.³

To prevent future officer misconduct, we must increase police accountability, transparency, and external oversight. Maryland must disclose and report on investigations into all allegations of police misconduct.

¹ See Brief of Amici Curiae NAACP Legal Defense and Educational Fund, et al., Uniformed Fire Officers Association, et al. v. Bill de Blasio, et al., Case No. 1:20-cv-05441-KPF, 16 (S.D. N. Y. Aug. 18, 2020) (providing overview of states that allow public access to police misconduct complaints and disciplinary records); see also Robert Lewis, et al., *Is Police Misconduct a Secret in Your State*, WNYC NEWS, Oct. 15, 2015; Erin Durkin, *NYCLU publishes more than 300,000 NYPD misconduct complaints after judge's ruling*, Politico, Aug. 20, 2020.

² U.S. Dept. of Justice, "Investigation of the Baltimore City Police Department." August 10, 2016 available at <https://www.justice.gov/opa/file/883366/download>.

³ President's Task Force on 21st Century Policing. 2015. Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services.