



## House Bill 413

*Public Information Act – Personnel and Investigatory Records –  
Formal Complaints Against Public Employees*

MACo Position: **OPPOSE**

To: Health and Government Operations Committee

Date: February 12, 2019

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 413 as introduced. While well-intentioned, the bill would upset the reasoned and longstanding practice of the Maryland Public Information Act (PIA) to protect the details of sensitive internal investigations regarding employees and personnel.

While MACo appreciates the intent behind this bill, MACo is concerned that the bill's effects would have significant repercussions far beyond addressing any perceived effects of the Maryland Court of Appeals decision in *Maryland State Police v. Dashiell*, 443 Md. 435. The Court in *Dashiell* went to great effort to highlight the sensitive nature of these internal records and the long-established and justified precedent of shielding the specifics of such an investigation under the PIA.

County government employees are subject to numerous complaints, sometimes unfounded, and access to such information could lead to abuse by disgruntled citizens. Proper venues already exist for a citizen who wishes to pursue a remedy beyond an internal agency review – the courts or various quasi-judicial bodies such as the Maryland Commission on Civil Rights. Furthermore, the bill's provisions would become a convenient method of avoiding discovery in a litigation context.

It is MACo's understanding that the bill sponsor intends to offer an amendment that would limit the bill's provisions to law enforcement officers, as opposed to all government employees. The amendment would address both the concerns raised by the *Dashiell* holding and MACo's concerns about overreach. If the Committee were to accept the sponsor's amendment, MACo would withdraw our opposition to the bill.

As introduced, HB 413 would upset a longstanding precedent regarding the protection of sensitive internal personnel records of all kinds of governmental employees and could lead to abuse by disgruntled citizens. With the sponsor amendment, MACo would withdraw its opposition. Otherwise, MACo urges the Committee to give HB 413 an **UNFAVORABLE** report.