

Testimony for the Senate Judicial Proceedings Committee

March 1, 2023

**SB 747 Public Information Act - Personnel Records- Investigations of Law Enforcement
Officers**

Unfavorable

Dear Chair, Will Smith, Vice Chair Waldstreicher, and members of the Judicial Committee,

I uploaded the wrong statement through the Portal by 3:PM on Tuesday 2-28-23. Please disregard that statement and accept my statement below via your email for the record in this matter.

My name is Dr. Matthew Fogg. I'm a retired Chief Deputy U.S. Marshal with 32 years of Federal Service and I'm speaking as the Heritage Chapter President of Blacks In Government (BIG). I'm also, a member of the [Caucus of African American Leaders](#) in the Great State of Maryland (CAAL).

BIG is a 501(c)3 Black employee advocacy organization Chartered in Washington, DC, in 1976 with chapters nationwide and seeks to represent approximately 2.5 million Federal, State, and municipal employees. Visit <http://www.bignet.org/>

I have previously [testified before the Annapolis, Maryland legislators](#) calling for Whistleblower protection of law enforcement officers who expose rogue colleagues. I oppose SB 747 for the following reasons: I spent my entire 30-year Federal career in law enforcement with the U.S. Marshals Service (USMS) under the supervision of the

U.S. Department of Justice (USDOJ) involving nationwide enforcement operations. In nearly half of my tenure, I became an advocate for internal racial equality and inclusion that garnered a Federal civil rights Jury Verdict—finding that my federal career was an [environment that was racially hostile to African American deputy U.S. marshals](#).

I supervised and worked in tandem with the Federal task force and dragnet operations involving state and municipal police in many major cities, including Maryland. As a result, I observed firsthand policing in various jurisdictions, involving extensive manhunts of ‘America's Most Wanted’ fugitives and being cross-designated as a U.S. Drug Enforcement Special Agent(DEA)that spearheading the Federal law enforcement initiative known as the ‘War-on-Drugs’ (WoD).

Soon after arriving at my duty station in Washington, DC, my White supervisor told me, *"Fogg, I know you have all that fancy training, but let most of that go because this is how we do things here."*

It was clear to me I was now in a culture of indifference by default in a predominately Black community, making up the rules of engagement as the (law enforcement) culture deemed necessary and in opposition to our training, policy, and proper procedures. It was as though Black lives didn't matter!

Within that same culture, I and all my colleagues were expected to follow the non-policy operational procedures, which meant [supporting excessive force, misconduct, testy-lying and whatever the illegal culture called for](#) against the people we swore to protect and serve, to get our arrest numbers up and provide a media image that we were warring on crime and illegal drugs in Black communities.

One of the things that we (police) understood is that you support your colleagues at all cost and turn your head when bad cops are during nefarious activity, knowing if you did speak up or report them, [the leadership would protect its image with a campaign to discredit and terminate your career](#) or even worst get you hurt or killed in the line of duty. I witnessed my life placed in grave danger after I blew the whistle on internal racism and saw the [slow death of a Black Inspector U.S. Marshal colleague who reported racism by his co-workers](#). This internal police coverup mechanism is called the infamous 'Blue Wall of Silence' (BWS).

And trust me when I tell you – I observed the BWS concept as the most common denominator of all law enforcement departments across America, especially in Black communities.

I'll never forget my DEA Supervisor and Special Agent-In-Charge telling me we could not enforce the drug laws in affluent White neighborhoods like in Black communities. His rationale was the White violators had support from Judges, good lawyers, politicians, money, and influence that would bring scrutiny on our procedures and could end up shutting down our operations, our arrest, overtime, and property seizures.

As a subordinate and later manager, I learned that the command-and-control culture in law enforcement would not allow individual Officers to blow the whistle in a law enforcement system without severe retribution, which was racially out of control by default and always validated the same culture explained to me upon arrival at my first Washington, DC., duty station.

I've come to the realization that Law enforcement must have absolute public transparency at all levels, and any shroud of secrecy becomes an albatross to police operations that creates absolute power that corrupts absolutely.

We are here today on SB-747 reinventing a wheel that was repaired just two years ago with intense deliberation and passage of Maryland's [Anton's Law/legislation](#) that allowed for public consumption of entire complaint files of police misconduct from the personnel record category under the Maryland Public Information Act (PIA).

SB 747 is legislation would reverse this procedure and push back on transparency which the public calls for and deserves.

If law enforcement conducted racially equal opportunity enforcement operations within its command-and-control environment, it would not need to be apprehensive in releasing its Internal Affairs files for full public disclosure. But seeing that there are two forms of policing for Black and White communities in Maryland and all of America, SB-747 is an opportunity to keep the ['good-old-boys' network](#) in place. Therefore, we must advocate relentlessly to stop SB-747's cancer against full transparency and from being voted into law.

The present legislation passed two years ago restores the necessary balance by rejecting the categorical denial of access to such records and information. Instead, it provides access to essential information about the most critical functions of government, namely addressing abuses of power while preserving the legitimate privacy and other interests of law enforcement officers.

Therefore, my Heritage Chapter of Blacks In Government collectively opposes SB-747 and supports the continued full public disclosure of police records that this body approved two years ago.

For the preceding reasons, the Blacks In Government Heritage Chapter rejects SB-747.