



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

April 5, 2022

Committee: House Judiciary

Bill: SB 777 - Task Force to Study Public Information Act Requests Made to Law Enforcement - Establishment

Position: Information

Reason for Position:

Senate Bill 777 creates a task force to study disclosure of police records under the Public Information Act and their associated costs.

While MML has no formal position on SB 777 as passed by the Senate, we would like to take this opportunity to provide a bit of information on PIA requests and records custodians.

Records Custodians

Municipal records custodians respond to PIA requests seeking documents pertaining to a variety of government functions including public safety. In some municipalities there are records custodians dedicated exclusively to requests for police files while in other municipalities, often the smaller towns, there is one records custodian for all types of PIA requests. For all PIA requests, there are certain response timelines that must be met by the public agency.

Review of Police Records

There are many cases where police records contain confidential or protected information that must be redacted or withheld prior to PIA disclosure. This review can be time consuming and costly, especially if legal services are required. Review of sensitive static documents can take up to two hours per page and review of body worn camera footage can take 10 minutes for every one minute of the recording. Proper review and redaction must be done as there can be consequences to the local government if a protected piece of a public record is disclosed to the requestor.

Scope of Request and Fees

A records custodian may charge a reasonable fee for the search and preparation of a record for dissemination. These fees are to bear a reasonable relationship to actual costs, which can include staff or attorney for review and redaction, but can result in a high dollar amount based on the specifics of the request and the record. In many instances, records custodians often work with the PIA requestor to either narrow the scope of the request or even waive the fees beyond the first two hours. While the custodian is required to fulfill the request or inform the requestor of the expected cost of the request, the onus is on the requestor to then alter the scope of the request or initiate a complaint should they feel aggrieved by the process or the fees.

Recourse for Complaints

Currently the Public Access Ombudsman and the PIA Compliance Board offer avenues for recourse should a requestor feel aggrieved in this process. These two entities handle dispute resolution over fees, denials of inspection, lack of a response, or requests made in bad faith. This list of issues that the ombudsman or compliance board may review was recently expanded in 2021, while some of these provisions go into effect later this year.

FOR MORE INFORMATION CONTACT:

Scott A. Hancock

Angelica Bailey

Bill Jorch

Justin Fiore

Executive Director

Director, Government Relations

Director, Research and Policy Analysis

Manager, Government Relations