



December 14, 2017

Wayne Brooks
Office of Legal Affairs
242 W. 29th St.
Baltimore, MD 21211

Dear Mr. Brooks,

This is a public information request on behalf of the American Civil Liberties Union Foundation of Maryland, pursuant to the Maryland Public Information Act (MPIA), Md. Code, Gen. Prov. §§ 4-101 et seq. This request seeks records that will provide greater transparency in connection with the extraordinary police cordon in the Harlem Park neighborhood beginning on November 15, 2017, following the shooting of Det. Suiter. As we understand it, pedestrian and vehicle access to multiple streets was restricted following the shooting, at least including the 900 block of Bennett Pl. between N. Fremont Ave. and Schroeder St., and the 500 block of Schroeder St., between Edmondson Ave. and W. Franklin St. And those restrictions remained in effect, with some interruptions, until November 21.

We seek the following records, for the period including November 15 – November 21, 2017:

1. All body worn camera (BWC) footage recorded by officers working the perimeter of the cordon involving an interaction with a civilian;
2. All BWC footage involving police escorting civilians to or from the police cordon;
3. All BWC footage involving police directing occupants of any building within the cordon that they may not leave the building;
4. The first five minutes of all BWC footage recording searches of occupied dwellings within the police cordon (we are not seeking BWC footage of searches of abandoned or vacant buildings);
5. Any logs or similar records of BWC footage recorded by officers working the perimeter of the cordon showing the number of times the BWC was activated, and the duration of the recording.

When we use the word “cordon” above, we refer to the points at which pedestrian and/or vehicular access to or from any street in the Harlem Park neighborhood was restricted by police, wherever located, and at whatever point during the time frame noted above, in connection with the aftermath of Det. Suiter’s shooting.

Depending on the volume of records that are responsive to the above request, we may be able to narrow the request to a smaller number of recordings.

We anticipate that we will want copies of some or all of the records sought. Pursuant to Md. Code, Gen. Prov. § 4-206(e), we request that all fees related to this request be waived. The American Civil Liberties Union Foundation of Maryland is a non-profit 501(c)(3) organization. We request this information in furtherance of the ACLU’s longstanding commitment to open and

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transparent government, and to inform the public in light of the significant public interest in understanding the extraordinary police actions taken in Harlem Park from November 15 through 21. This request meets the criteria for a fee waiver under MPIA, and fees associated with similar requests are regularly waived for the ACLU. In addition, the ACLU has a limited ability to pay for the copying and other charges associated with MPIA requests. *See generally* Office of the Attorney General, *Maryland Public Information Act Manual*, 7-3 - 7-4 (14th ed. 2015) (discussing criteria for waiver of fees under the MPIA). If the request for a waiver of fee is denied, please advise us in writing of the reason(s) for the denial and of the cost, if any, for obtaining a copy of the requested documents.

If you determine that some portions of the requested records are exempt from disclosure, we will expect, as the Act provides in Md. Code, Gen. Prov. § 4-203(c)(1)(ii), that you provide us with any portion of the records that are subject to inspection. If all or any part of this request is denied, please provide us with (1) the reasons for the denial, (2) the legal authority for the denial, (3) a brief description of the record that will enable the us to assess the applicability of the legal authority for the denial, and (4) notice of the available remedies. Md. Code, Gen. Prov. § 4-203(c)(1)(i).

It is essential that this request be fulfilled within 30 days, as required by Md. Code, Gen. Prov. § 4-203(a). Further, if you anticipate that it will take more than 10 days to produce the records, we expect a response within 10 days addressing (1) the amount of time that you anticipate it will take to produce the record, (2) an estimate of the range of fees that may be charged to comply with the request; and (3) the reason for the delay. Md. Code, Gen. Prov. § 4-203(b)(2). If we do not receive notice within the required time period, we will treat your failure to respond as a denial and seek appropriate relief.

Thank you for your time and attention to this matter, and we look forward to receiving your response. Please feel free to contact us with any questions or concerns.

Sincerely,

David Rocah
Senior Staff Attorney