



November 7, 2013

Follow-Up to August 12, 2013 Maryland Public Information Act Request

The ACLU's request sought records that fall broadly into four categories: (1) policies, (2) the database, (3) paper copies of certain records that would be entered into the database, and (4) memoranda, reports or other documents analyzing BPD data or otherwise shedding light on practices regarding the deployment of stop-and-frisk in the Department.

We address each category in turn below:

(1) Policies

We requested updated versions of General Orders H-20 (including the Standard Operating Procedures (SOPs) referenced on p. 5); D-04; and C-09.

We received: G.O.s H-20; D-04; C-09; H-8; K-12, as well as an excerpt of some kind from an operations manual titled "Stop and Frisk Handgun Control Law" and a training bulletin regarding "Use of Deadly Force." Thank you for responding to this query. However, BPD's response does not seem to address our request for the accompanying "Standard Operating Procedure" referenced in G.O. H-20 (on p. 3 of the revised G.O., there is a reference to the SOP pertaining to inspection of the Citizen/Police Contact Report process for compliance.) Please indicate whether BPD is refusing to produce this document, or whether there is no such record.

Moreover, BPD's September 18 response indicated that these orders will be changing and that a new General Order will be adopted governing the Department's new term for stop-and-frisk – "investigative Stops." Please treat this letter as a formal request for the updated policies at such time as they are complete.

(2) Citizen/Police Contact Receipt database

We requested the "Citizen/Police Contact Receipt database" and Standard Operating Procedures referenced on page 5 of the G.O. H-20 (2002). Specifically, we sought data "that reflect a) who was stopped by BPD officers and the articulated reason; b) who among those stopped were frisked or searched and the articulated reason; and c) what weapons or contraband were recovered from such searches; between June 1, 2010 and the present."

Thank you for providing some approximation of some of these numbers. However, these numbers do not substitute for a response to our request for public records.

Our understanding is that, because of the way BPD has opted to maintain its records, BPD's position is that it cannot, except at great expense, redact the records of names of those who have been stopped. However, BPD's response presumes, without explanation or justification, that such records cannot be produced in unredacted form. We are thus reiterating our request that, if BPD's position is that the records we seek are exempt from disclosure, BPD set forth the basis for its position. Otherwise, we request that BPD provide the database without further delay.

(3) Paper Copies of a Month's Sample of Records

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
COLEMAN BAZELON
PRESIDENT

SUSAN GOERING
EXECUTIVE DIRECTOR

C. CHRISTOPHER BROWN
GENERAL COUNSEL

We requested paper records of Citizen/Police Contact Receipts dated between May 1 and May 31, 2013 and copies of all Daily Activity Reports dated between May 1 and May 31, 2013.

Please clarify whether or not the BPD is willing to provide these records. If the Department's position is that the records are too voluminous to produce, please indicate the approximate number of records. If BPD's position is that the records are exempt from disclosure, please provide the basis for the BPD's position.

(4) Documents reflecting supervisory and Department practices

We requested: (a) Documents from the last three years (emails, memoranda, reports, etc.) analyzing the data contained in the Citizen/Police Contact Receipt Database; (b) Documents between June 1, 2010 and the present pertaining to the inspections or audits of citizen/police contacts, citizen/police contact receipts, and/or the entry of citizen/police contact receipts into the designated database; and (c) Documents between June 1, 2010 and the present reflecting policies, practices and procedures regarding use and limitations on use of "stop and frisk," including auditing and supervisory review.

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We remain unclear on whether BPD's position is that there are no responsive documents to this query. Our belief is that there likely are responsive documents, such as, for example, your memorandum of September 12, changing the name from "stop-and-frisk" to "investigative stops," which was not produced to our office.

If there are no responsive documents, please indicate as much. If there are responsive documents, please provide these documents or your basis for withholding them.

The ACLU's fee waiver request

As we stated in our initial request, if possible, we would prefer to receive electronic copies. Pursuant to State Government Article § 10-621(e), we request that all fees related to this request be waived. The American Civil Liberties Union Foundation of Maryland is a non-profit, tax-exempt organization dedicated to protecting the civil liberties of all Marylanders and visitors to Maryland. We request this information to carry out our charitable mission. Please advise us whether you are denying our request for a waiver of fees. Also, if the request for a waiver of fee is denied, please advise us of the cost, if any, for obtaining a copy of the requested documents, with respect to each category of records sought.