



August 12, 2013

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Anthony W. Batts, Police Commissioner or Custodian of Records
Baltimore City Police Department
242 W. 29th St.
Baltimore, MD 21211

Re: Maryland Public Information Act Request

Dear Commissioner Batts:

This is a request under the Maryland Public Information Act (MPIA), Md. Code Ann., State Gov't Art., §§10-611 to 628, made on behalf of the American Civil Liberties Union of Maryland, in order to understand the Baltimore City Police Department's (BPD) deployment of "stop and frisk" practices in citizen-police encounters. The ACLU makes this request in light of public concern about stop and frisk policies generally, as well as individual complaints we have received about citizen-police street encounters in Baltimore.

We seek all records in your custody and control pertaining to **data and any analysis of data of citizen-police encounters 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.** In addition, we seek all records pertaining to BPD policies and practices concerning such stops and searches. This request includes, but is not limited to, the following records:

- (1) The current version of BPD General Order H-20 (Citizen/Police Contact Receipt Procedure) (2002), and associated records, including, but not limited to:
 - a) The "Citizen/Police Contact Receipt database" and Standard Operating Procedures (SOPs) referenced on page 5;
 - b) Paper records of Citizen/Police Contact Receipts dated between May 1 and May 31, 2013;
 - c) Any emails, memoranda, or reports from the last three years analyzing the data contained in the Citizen/Police Contact Receipt database.
- (2) The current version of BPD General Order D-04 (Daily Activity Report) (2008), and copies of all Daily Activity Reports dated between May 1 and May 31, 2013.
- (3) The current version of BPD General Order C-09 (Integrity Office Duties) (2001), and any and all memoranda, reports and recommendations from between June 1, 2010 and the present pertaining to inspections or audits of citizen/police contacts, citizen/police contact receipts, and/or the entry of citizen/police contact receipts into the designated database.
- (4) Any other documents from between June 1, 2010 and the present that reflect BPD policies, practices and procedures regarding use and limitations on the use of "stop and frisk" in citizen/police contacts, including auditing and supervisory review.

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We anticipate that we will want copies of some or all of the records sought and, if possible, 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. 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.

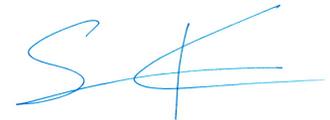
If you determine that some portions of the requested records are exempt from disclosure, we will expect, as the Act provides in § 10-614 (b)(3)(iii), that you provide us with “any reasonable severable portion” of the records sought. If necessary, records may be redacted of those portions that would otherwise render them exempt from disclosure. *See Maryland Dept. of State Police v. Maryland State Conference of NAACP Branches*, 430 Md. 179, 195 (Md. 2013) (“The plain language of §§ 10-616(a) and 10-614(b)(3)(iii) authorizes redactions so that the applicant can receive portions of an exempt record which are severable and the receipt of which does not violate the substance of the exemption.”)

If all or any part of this request is denied, please provide us with a written statement of the grounds for the denial citing the law or regulation under which you believe you may deny access. If this is the case, we also request that you inform us of the available remedies for review of the denial.

It is essential that this request be responded to within 30 days, as required by § 10-614 (b). If we do not receive a response within 30 days, we will treat your failure to respond as a denial and seek appropriate judicial relief.

We look forward to receiving your response. Please feel free to contact us with any questions or concerns.

Sincerely,



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