



March 19, 2012

*VIA ELECTRONIC AND FIRST CLASS MAIL*

Secretary Gary D. Maynard  
Department of Public Safety and Correctional Services  
300 East Joppa Road, Suite 1000  
Towson, MD 21286-3020

Dear Secretary Maynard:

I write on behalf of the American Civil Liberties Union of Maryland and numerous interested Anne Arundel County citizens,<sup>1</sup> to request that you undertake an audit of the Anne Arundel County Police Department's use of the Maryland Criminal Justice Information System (CJIS) database, as authorized by the Code of Maryland Regulations (COMAR) §§ 12.15.01.15 and 12.15.01.04.B(3) and (4). The purpose of this audit would be to determine whether criminal history record information (CHRI) was improperly accessed for non-law enforcement purposes, and/or whether such information was improperly disseminated to persons outside of the Anne Arundel County police agency.<sup>2</sup> If such improper access or

AMERICAN CIVIL  
LIBERTIES UNION OF  
MARYLAND FOUNDATION  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838  
[WWW.ACLU-MD.ORG](http://WWW.ACLU-MD.ORG)

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

OFFICERS AND DIRECTORS  
SARA N. LOVE  
PRESIDENT

SUSAN GOERING  
EXECUTIVE DIRECTOR

C. CHRISTOPHER BROWN  
GENERAL COUNSEL

---

<sup>1</sup>The ACLU makes this request as legal counsel on behalf of Anne Arundel NAACP Branch President Jacqueline Boone Allsup, Anne Arundel County Councilman Jamie Benoit, Mr. Lewis A. Bracy, Annapolis Mayor Joshua Cohen, Ms. Laurie Garvey, Ms. Karla R. Hamner, Ms. Joan M. Harris, former Anne Arundel County Councilman Daryl Jones, Alan H. Legum, Esq., Anne Arundel County School Superintendent Dr. Kevin M. Maxwell, Anne Arundel County School Board Member Eugene Peterson, former Anne Arundel County Councilman Thomas Redmond, Mr. Mike Shay, John Singleton, Esq. and Civil Rights Director for the Maryland Attorney General Carl O. Snowden.

<sup>2</sup>As you are likely aware, Maryland law places numerous restrictions upon police agencies' privileges to access and disseminate information from the CJIS database. Among these restrictions are COMAR §§ 12.15.01.10.A and E (prohibiting criminal justice agencies from disseminating CHRI "except in accordance with federal and State laws and regulations," and providing that "The use of CHRI by an authorized agency or individual is limited to the specific purpose or purposes stated in this chapter and may not be disseminated further except with specific authorization"), 12.15.01.11.A(1) (allowing a criminal justice agency to request CHRI only if it has a need for the information in the performance of its function as a criminal justice agency), and 28 C.F.R. 20.33(a)(1) (limiting access to CHRI "[t]o criminal justice agencies for criminal justice purposes"), and Md. Code Crim. Proc. §§ 10-214(e)(2) (providing that "[a] criminal justice unit may disseminate criminal history record information maintained under paragraph (1) of this subsection only in accordance with § 10-219 of this subtitle.") and 10-219(a) (providing that "[e]xcept in accordance with

dissemination is found, we request that you take appropriate measures “to ensure that this abuse or potential for abuse is corrected,” as required by COMAR § 12.15.01.04.F. We further request that you inform us of your findings and actions.

Our reasons for this request are as follows:

On March 2, 2012, Anne Arundel County Executive John R. Leopold was criminally indicted by the State Prosecutor’s Office. The indictment charges Mr. Leopold with political corruption and misuse of the security detail provided to him through the Anne Arundel County Police Department to arrange sexual liaisons and to investigate political adversaries. Among the specific allegations made in the indictment is the contention, at paragraph 24, that

Leopold directed on-duty executive protection officers to create dossiers on persons he viewed as political challengers, including but not limited to, Joanna Conti and Carl Snowden. The EPOs did not consider these people to be security risks.

On March 6, the ACLU filed a comprehensive request under the Maryland Public Information Act seeking records compiled by Leopold or the Anne Arundel County Police on Mr. Snowden, Ms. Conti, or any other perceived political opponent of Mr. Leopold. *See* Attachment A. In a preliminary and partial response on March 13, the Police Department produced certain files on Mr. Snowden (including information concerning his son and ex-wife), Ms. Conti and her husband, and Thomas Redmond, a former Anne Arundel County Council member. In the cover letter accompanying the files, the Police Department noted that it was withholding documents from the dossier on Mr. Redmond that came from the CJIS database, as dissemination of those records to third parties would be unlawful. *See* Attachment B.

The Police Department’s response suggests to us that the CJIS database may have been improperly accessed for non-law enforcement purposes, and/or that the information obtained from the database may have been illegally disseminated to the County Executive, or other persons outside of the criminal justice agency. We have also heard reports from sources within the police department (who wish to remain anonymous due to fear of retaliation) that CJIS data was improperly accessed and disseminated. We are deeply concerned about this, and believe the facts justify an inquiry through your Department, dating back to Mr. Leopold’s election as County Executive in 2006, into how the Anne Arundel police are using the CJIS database.

Please let us know if you need any further information to act on this request, or if there is anything we can do to assist you. Thank you for your attention to this matter.

---

applicable federal law and regulations, a criminal justice unit and the Central Repository may not disseminate criminal history record information.”).

Sincerely,



Deborah A. Jeon  
Legal Director

Cc: Mr. John R. Leopold  
Chief James W. Teare  
Jonathan Hodgson, County Attorney  
Ms. Carole J. Shelton, Director, CJIS  
Ms. Jillian Watts, Maryland State Police  
Mr. David Cuthbertson, FBI  
Stuart M. Nathan, Esq.