

FREDERICK COUNTY SHERIFF'S OFFICE

HEADQUARTERS FREDERICK COUNTY LAW ENFORCEMENT CENTER

110 Airport Drive East
Frederick, Md. 21701
301-600-1046
301-600-1527 (Fax)
301-600-7655 (TTY)

JUDICIAL OPERATIONS

100 W. Patrick Street
Frederick, Md. 21701
301-600-2162
301-600-3690 (Fax)



CHARLES A. JENKINS
SHERIFF

DETENTION CENTER/ CENTRAL BOOKING

7300 Marcie's Choice Lane
Frederick, Md. 21704
301-600-2550 (D.C.)
301-600-2566 (D.C. Fax)
301-600-1790 (C.B.)
301-600-1791 (C.B. Fax)

WORK RELEASE CENTER

7281 Marcie's Choice Lane
Frederick, Md. 21704
301-600-1727
301-600-3404 (Fax)

July 26, 2023

Nick Steiner, Esq.
Staff Attorney
American Civil Liberties Union Foundation of Maryland
3600 Clipper Mill Road, Suite 350
Baltimore, Maryland 21211
steiner@aclu-md.org

Sir,

By request dated June 23, 2023, which our office received on June 26, 2023, you have requested copies of certain documents pursuant to the Maryland Public Information Act, Md. Ann. Code, State Govt. Art., Gen. Prov. § 4-101 through § 4-601.

You requested "all records in your custody and control since April 14, 2023," related to seven categories. Your request is granted in part and denied in part. Responsive records that are disclosable are attached. Other responsive records were withheld because they are not subject to disclosure under the Public Information Act, as detailed below.

1. Sheriff Charles Jenkins' use of Frederick County Sheriff's Office property since taking a leave of absence, including but not limited to FCSO vehicles.

This request is granted. Two responsive records are attached, with redactions shielding information about personnel other than Sheriff Jenkins.

2. Any issuance of new FCSO property to Sheriff Jenkins, including but not limited to an FCSO vehicle.

This request is granted. One responsive record is attached, with redactions shielding non-disclosable information. Gen. Prov. §§ 4-311, 4-351(a)(3); see also 65 Md. Op. Atty. Gen. 365, 367 (1980) (observing that the purpose of the personnel records exemption "is to preserve the privacy of personal information about a public employee that is accumulated during his or her employment").

3. Sheriff Charles Jenkins' salary and other monies paid to him since taking a leave of absence.

This request is granted in part and denied in part. One responsive record is attached, with redactions shielding non-disclosable information. See Gen. Prov. § 4-101(k)(2); 83 Md. Op. Atty. Gen. 192 (2008).

4. Sheriff Jenkins' duties and responsibilities since taking a leave of absence, including, but not limited to agendas, attendance records, and other documents that indicate his presence at FCSO functions.

This request is granted. Two responsive records are attached.

5. The log of Sheriff Jenkins' entry into his usual place of work, indicating how often he goes into the office.

This request is denied because it seeks security information, the inspection of which would be contrary to the public interest. See Gen. Prov. §§ 4-343; 4-351(a)(3) (“[A] custodian may deny inspection of . . . records that contain . . . security procedures of . . . a sheriff.”). The Sheriff's Office is not accessible to the public or unauthorized personnel. Access to the building is controlled by keycard access. The request for a “log of Sheriff Jenkins' entry into his usual place of work” plainly requests records that fall within the Sheriff's security procedures for the Sheriff's Office. Moreover, redaction is not possible because the information sought—Sheriff Jenkins' comings and goings, by date and time—cannot be redacted in any meaningful way. Providing any record of if and when Sheriff Jenkins enters the office implicates security concerns. Cf. *Jarman v. Frederick County Sheriff's Office*, No. PIACB 23-04 (Public Information Act Compliance Board Nov. 9, 2022), available at https://www.marylandattorneygeneral.gov/Opinions%20PIACB%20Documents/2022/PIACB23_004.pdf (affirming denial of request by non-person in interest for records of courthouse employee's use of key card to access a garage).

This request is also denied because it seeks information related to Sheriff Jenkins' status as an employee, which is non-disclosable as a personnel record. See Gen. Prov. § 4-311.

6. Any documents signed by Sheriff Jenkins.

This request is granted in part and denied in part. One responsive record is attached. The Sheriff's Office does not have a copy of the final signed version of this record because it was digitally signed. This request is partially denied because the attachment to this record has confidential commercial information for a third party. See Gen. Prov. § 4-335.

7. Any correspondences, including emails, sent by Sheriff Jenkins regarding official business as Sheriff.

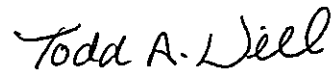
This request is granted in part and denied in part. The Sheriff's Office identified 87 responsive emails from the close of business on April 14, 2023, when Sheriff Jenkins' leave of absence started, through July 1, 2023. The emails fall into two groups: (1) 35 emails and any associated attachments are disclosed and are provided today in PDF format; and (2) 52 emails and any associated attachments are not disclosed. Following a discussion, you had with AAG Kirstin Lustila on July 21, a preliminary Vaughn index listing the 52 non-disclosed emails and the reasons for their non-disclosure is also provided to you today. The

Sheriff's Office reserves the right to assert additional bases for non-disclosure for any individual document.

Pursuant to Gen. Prov. § 4-362, you are entitled to seek judicial review of this decision. Alternatively, you may file a request for mediation with the Public Access Ombudsman and, if the Ombudsman is unable to resolve the matter, may subsequently seek a resolution from the Public Information Act Compliance Board for those matters within the Compliance Board's jurisdiction. See Gen. Prov. §§ 4-1A-01 et seq. and 4-1B-01 et seq.

If you have any questions, please feel free to call me at 301-600-3653 between the hours of 8:00 am – 4:00 pm Monday through Friday.

Sincerely,

A handwritten signature in black ink that reads "Todd A. Wivell". The signature is written in a cursive style with a large, looped initial 'T'.

Todd Wivell
Public Information Officer
Frederick County Sheriff's Office