

RELEASE: Revisions to Field Manual, Article 14, Section 2.5, Maryland Public Information Act (MPIA) Requests for Records Related to Alleged Misconduct by a Police Officer.

EFFECTIVE: Immediately.

This message is being distributed to advise Department members that Chief Robert O. McCullough has approved revisions to Field Manual, Article 14, Section 2.5, Maryland Public Information Act (MPIA) Requests for Records Related to Alleged Misconduct by a Police Officer. A copy of the revised Field Manual section is attached to this message. The attached policy supersedes the section currently contained in the Department's Field Manual (i.e., General Order 2023-01). The revised policy will be placed into the Field Manual in a future General Order.

Commanders: Please complete a Form 159, Order/Directive Verification Form, for each member in your command and attach one printed copy of this message and the attached document. Members will sign the Form 159 stating that they received a copy of this message and the attached document, which is located in their Department e-mail account. A copy of this message and the attached document will also be posted on the Department's Intranet site.

Please contact the Strategic Planning Team with any questions at x2260.

This message has been reviewed and approved by Captain Joseph W. Donohue (#3844).

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14-2.5 MARYLAND PUBLIC INFORMATION ACT (MPIA) REQUESTS FOR RECORDS RELATING TO ALLEGED MISCONDUCT BY A POLICE OFFICER

DEFINITIONS

- Records related to alleged misconduct by a police officer - records relating to an administrative or criminal investigation of alleged misconduct by a police officer (i.e., investigatory records of the Internal Affairs Division (IAD), hearing records, and records relating to a disciplinary decision).
- Witness officer - a police officer who was interviewed, or provided a statement, as part of an administrative or criminal investigation of alleged misconduct by a police officer, and that interview and/or statement was maintained in the Department's Internal Affairs Division file.

GENERAL

- The Department will:
 1. Abide by all laws governing the release of records related to alleged misconduct by a police officer; and
 2. Make all reasonable efforts to provide the public with prompt access to public records without unnecessary delay.
- The policies contained in this section will be followed for requests for records related to alleged misconduct by police officers:

1. Currently employed by the Department; or
 2. Formerly employed by the Department.
- The Legal Section will maintain a log to track MPIA requests received by the Department for records related to alleged misconduct by a police officer.
- NOTES:**
1. The log may be inspected by the public.
 - EXCEPTION:** Maryland law prohibits the release of a requestor's identity to the current or former police officer who is the subject of such a records request.
 2. Entry in this log is in addition to the processing requirements contained in Section 2.0, Maryland Public Information Act (MPIA) Requests, of this article.
- All records related to alleged misconduct by a police officer will be redacted as described in Section 2.3, Maryland Public Information Act (MPIA) Redactions, of this article prior to release.
 - NOTE:** See Field Manual, Article 16, Section 2.2, Body Worn Camera (BWC) System Recording Redaction and Reproduction, for additional requirements in reference to BWC data.
 - Receipt or inspection of records by officers (i.e., current or former) and/or their designated representative, must occur at the Public Safety Building.
 - EXCEPTION:** Unless other means are authorized by the Bureau Chief of the Professional Standards Bureau.
 - Current and former police officers who choose to identify a designated representative, must do so in writing provided to the Legal Section.

NOTIFICATIONS

- At least five business days prior to the release of records related to alleged misconduct by a police officer, the Legal Section will provide the current or former police officer who is the subject of the request (i.e., the person in interest) with a copy of the records to be released, and will send notification to the FOP if the police officer holds a rank of officer through lieutenant.
 - NOTE:** Members are reminded to ensure they continue to provide Baltimore County with their updated and correct contact information when their employment has ended, to ensure these notifications can be made.
 - EXCEPTIONS:** In the event the Department intends to release:
 1. Any body worn camera video or data in connection with an MPIA request, the police officer shall have access to the video or data;
 2. An unusually large record, the Legal Section will coordinate with the police officer or their designated representative to provide access to the entire record and copies of the portions of the record that the police officer or their designated representative request; and
 3. Records pertaining to two or more police officers as the result of a MPIA request, each officer will only be provided with a copy of their records.
- Within five business days of inspecting the material to be released, the current or former police officer or their designated representative may notify the Department of an objection to the release and their intent to file a "reverse MPIA."
 - NOTE:** If a "reverse MPIA" is filed in court, the Department will hold the materials to be released until the action is ruled on, unless prohibited by law.
- The Legal Section will send notification to witness officers (i.e., current and former) of the pending release.
 - NOTE:** Notification to witness officers is provided as a matter of awareness that the forthcoming release will include their interview and/or statement.

- The Legal Section shall send notification to the police officer (i.e., current and former), when the record is released pursuant to the MPIA.
- The Chief of Police, or the Chief's designee, may at any time also notify any complainant, witness, or other person potentially impacted by the release under the MPIA of a record related to alleged misconduct by a police officer.

REFERENCE

Field Manual, Article 16 (Body Worn Camera Program).