



August 6, 2014

VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mayor Stephanie Rawlings-Blake or Custodian of Records
Office of the Mayor
100 N. Holliday Street
Baltimore, MD 21202

Angela Johnese or Custodian of Records
Mayor's Office of Criminal Justice
100 N. Holliday Street, Room 334
Baltimore, MD 21202

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

To Whom it May Concern:

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 Baltimore City's implementation of the newly-expanded curfew. The ACLU makes this request in light of public concern and vigorous public debate about the curfew and its impact.

We seek **all records in your custody and control pertaining to plans and implementation of Baltimore's expanded curfew**, particularly:

- (1) All documents that reflect instructions, directives, memoranda, guidance, supervisory practices, general orders, and/or training about how Baltimore City Police Department (BPD) and/or its officers are to enforce the law, carry out stops and/or searches made pursuant to the curfew, and how BPD officers and the City will track stops made pursuant to the curfew, including but not limited to documents that reflect:
 - (a) The methods and/or level of force police are authorized to use in the course of a curfew stop, including whether or not police are to pursue individuals who flee;
 - (b) The manner in which police will verify an individual's name, age, and purpose for being outside;
 - (c) How police are to determine whether to stop someone under the curfew and/or whether to take a youth home, to the Department of Social Services, to a curfew center, to a police station, or anywhere else;

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(d) Policies regarding handcuffing or otherwise restraining individuals stopped for suspicion of violating the curfew;

(e) Protocols for checking names of individuals stopped against criminal databases and/or for frisking or searching such individuals;

(2) Any and all data collected by the Mayor's Office of Criminal Justice and/or the BPD regarding curfew implementation, including, but not limited to the below categories. This request is made prospectively and on an ongoing monthly basis for one year from August 6, 2014:

(a) Age, race, location, time and outcome (home, curfew center, release, arrest) of stops made pursuant to the curfew, regardless of the age of the person stopped; and

(b) Any and all data about number of warnings given, citations issued, and/or guardians or family members enrolled in counseling pursuant to the curfew law.

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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 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. **Further, given that the curfew goes into effect on August 8, we expect that all documents responsive to Part 1 of this request will be disclosed immediately if they exist.** If there are no responsive documents for any part of this request, please indicate that fact.