

Contact:
Jennifer Safstrom
Civil Rights Clinic & ICAP
Georgetown University Law Center
jennifer.safstrom@georgetown.edu

FOR IMMEDIATE RELEASE: May 16, 2022

**BALTIMORE POLICE AGREE TO TRACK FEE WAIVER REQUESTS AND
DISCLOSE RECORDS TO SETTLE PUBLIC RECORDS LAWSUIT**

WASHINGTON, D.C. — The Baltimore City Police Department (BPD) will begin tracking data on how it responds to fee waiver requests under the Maryland Public Information Act (MPIA) as part of a settlement agreement in litigation brought by Georgetown University Law Center’s Institute for Constitutional Advocacy and Protection (ICAP), with representation from the law school’s Civil Rights Clinic and in partnership with Baltimore Action Legal Team (BALT).

ICAP brought suit after making a request under the MPIA—Maryland’s state-law analog to the federal Freedom of Information Act—to BPD for information about how BPD handles requests for fee waivers. The MPIA allows public agencies to waive the fees associated with responding to records requests that are in the public interest. ICAP sought to gain insight into how BPD assesses fee waiver requests by examining data about who had received or been denied their requests for fee waivers in recent years.

The settlement agreement, filed in the Circuit Court for Baltimore City on Friday, provides that for each MPIA request it receives, BPD will track whether the requester sought a fee waiver, whether the fee waiver was granted, and the cost assessed to the requester. BPD will also generate and provide to ICAP a six-month report tracking this information. In addition, the agreement will result in the disclosure of 125 files responsive to ICAP’s MPIA request, at no cost to ICAP.

“Public records requests are an important tool for non-profits and individuals to hold the government accountable, and fee waivers are often critical to these efforts,” said Mary B. McCord, Executive Director of ICAP. “This settlement agreement ensures that BPD will track fee-waiver requests in a way that promotes transparency about how it applies the public-interest criteria for fee waivers under the MPIA.”

“We have long struggled to get BPD and the Baltimore City Law Department to comply with MPIA laws. They have routinely responded that disclosure of police misconduct files is not in the public interest, therefore fees for reproduction shouldn’t be waived. This has effectively blocked community access to see how police misconduct is handled in Baltimore. This settlement will allow better tracking of violations and compliance. While this fight took over a year and a half, we are excited to see movement towards transparency. Without transparency there is no accountability,” said Matt Zernhelt, Legal Director with Baltimore Action Legal Team.

“Sunshine laws like the Maryland Public Information Act allow communities to effectively monitor taxpayer-funded government operations and hold public officials accountable to the people they serve,” said Lucas Hammill (3L), a Civil Rights Clinic student attorney who represented ICAP alongside Jameson Ullman (3L) and Eric Taylor (2L). “We are glad that as a

result of this litigation, BPD will collect data that Baltimore residents can use in the future to monitor the police department's compliance with the Act and ascertain what the department finds persuasive in a request for a fee waiver.”

###

About ICAP: ICAP is a nonprofit, nonpartisan legal institute at Georgetown Law focused on defending constitutional rights and values and restoring confidence in the integrity of government institutions.

About the Civil Rights Clinic: The Clinic operates as a public interest law firm at Georgetown Law, working primarily in the areas of discrimination and constitutional rights, workplace fairness, and open government.

About BALT: BALT is dedicated to politically-conscious lawyering and to using creative, collective solutions to support the Movement for Black Lives in Baltimore.