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Baltimore Action Legal Team v. Office of State's Attorney of Baltimore City

Court of Special Appeals of Maryland - December 17, 2021 - A.3d - 2021 WL 5990784

Requester brought action against the Office of the State's Attorney, alleging violations of the Maryland Public Information Act (MPIA).

The Circuit Court granted the Office of the State's Attorney's motion for summary judgment. Requester appealed.

The Court of Special Appeals held that:

- "Do not call" list did not qualify for the personnel records exemption under MPIA;
- That the Office of the State's used internal affairs records to create the "do not call" list did not support its blanket denial under the personnel records exemption;
- Office of the State's Attorney could not invoke investigatory records exemption to support blanket denial of the request;
- "Do not call" list was not created in anticipation of litigation as required for work-product exemption;
- That the records could constitute Brady material did not transform them into work-product protected from disclosure;
- Denial of MPIA fee waiver request made in conjunction with request for full investigatory files into alleged criminal activity of any police officer was arbitrary and capricious; and
- Denial of MPIA fee waiver request made in conjunction with request for investigatory files of a specific police officer was arbitrary and capricious.