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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-03
November 6, 2025
Anne Arundel County Police Department, Custodian
William Sanders, Complainant

In April of this year, complainant William Sanders sent a Public Information Act (“PIA”) request to the Anne Arundel County Police Department (“AAPD”) asking for certain records concerning a “non-criminal welfare check” at his home. The AAPD produced body worn camera footage and redacted computer-aided dispatch (“CAD”) notes, but denied inspection of the recording of the 911 call. The AAPD cited § 4-351(b)(3), (4), and (7)¹ of the PIA as the authority for the denial, and stating that disclosure could compromise privacy, safety, and the protection of a confidential source. The complainant challenges the AAPD’s application of § 4-351 in this complaint. In response to the complaint, counsel for the AAPD maintains that the AAPD properly exercised its discretion to deny inspection of the records, particularly with regard to § 4-351(b)(4), regarding confidential sources. After review of the submissions, including the disputed records themselves, we find no abuse of discretion in the AAPD’s decision to deny inspection of the 911 call recording, but find that some information in the CAD notes was improperly redacted. We explain more below.

Background

On April 23, 2025, the complainant sent a PIA request to the AAPD asking for “[u]nredacted 911/211/Any telephone audio recorded related to an incident, unredacted CAD notes, unredacted police report, unredacted body worn camera footage.” The complainant specified that the incident occurred sometime between March 1, 2025, and April 12, 2025, and provided the relevant address. The AAPD responded to the PIA request on April 25, 2025, and produced police body worn camera footage and redacted CAD notes. The AAPD denied inspection of the recording of the 911 call. In the response letter, the AAPD explained that “[t]he confidentiality of sources and complaints must be maintained if there is an express or implied assurance of confidentiality when reporting crime or other illegal or unethical activity.” The AAPD cited § 4-351(b)(4) and advised that “the identifying information of the caller has been redacted from the Computer Aided Dispatch (CAD) notes accordingly.” In addition, the AAPD advised that “some portions

¹ Statutory citations are to the General Provisions Article of Maryland’s Annotated Code unless otherwise stated.

of the responsive record(s) have been redacted to protect privacy and safety of involved parties according to MPIA § 4-351(b)(3)(7).”

The complainant disagreed with the AAPD’s response to his PIA request so, on April 29, 2025, he contacted the Public Access Ombudsman to request dispute resolution assistance.² On June 27, 2025, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant then filed this complaint with our Board. In his complaint, the complainant contends that § 4-351 is either inapplicable in the first instance, or should be narrowly applied, because the incident “was a welfare check, not a criminal investigation.” He also advises that the body worn camera footage disclosed to him “plainly records the responding officer stating the full name of the 911 caller on video,” thus “negating any claim of confidentiality.” Even if the name had not been disclosed, the complainant argues that the AAPD provided no evidence of an express or implied assurance of confidentiality, as it must for § 4-351(b)(4) to apply. Finally, the complainant asserts that the AAPD has not articulated “how disclosure would endanger safety, reveal techniques, interfere with an investigation, or result in any of the statutory harms listed in § 4-351(b)(1)-(7).”

The AAPD, through counsel, responds to the complaint and maintains that disclosure of the full CAD notes and 911 call would be contrary to the public interest because “they would reveal confidential sources and discourage public participation in reporting illegal activity.” Addressing the complainant’s contention that § 4-351 should not apply to non-criminal investigations, counsel for the AAPD states that it is not supported by case law or the language of the provision itself. Counsel stresses that “this ‘wellness check’ was a police investigation.” Counsel for the AAPD acknowledges that the complainant is a person in interest as to the records, and thus the AAPD may deny inspection only on one of the grounds listed in § 4-351(b). One of those reasons, counsel states, is that “disclosure of the information would lead to the identification of confidential sources,” under § 4-351(b)(4). According to counsel for the AAPD, in this case, “the 911 caller specifically requested anonymity.” Counsel explains that “[w]hen the police respond to emergency and non-emergency calls, they routinely protect the confidentiality of the reporter especially if confidentiality is specifically requested.” Counsel for the AAPD contends that this practice “encourages citizens to participate in maintaining the safety and well-being of their community without fear of retribution from bad actors.” Thus, counsel argues, “AAPD’s need to protect the confidentiality of sources outweighs any interest in disclosure of the source of the information.”

² Under the PIA, the Ombudsman must “make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” § 4-1B-04(a). Before submitting a complaint to our Board, a complainant must attempt to resolve a dispute through the Ombudsman and receive a final determination stating that the dispute was not resolved. § 4-1A-05(a).

Counsel for the AAPD also addresses the complainant's argument that § 4-351(b)(4) is not implicated because the responding police officer stated the caller's name in the body worn camera footage released to the complainant. Counsel for the AAPD represents that, in that footage, the complainant asks the officer if a specific person called and the officer responded affirmatively. Counsel states that "[t]he caller's last name was not released," and that this "inadvertent" release of the first name "does not change the need for confidentiality in releasing additional records." Counsel for the AAPD argues that "[r]equiring AAPD to confirm Complainant's belief in who the caller was would be against the public interest and would expose confidential sources." Contending that the complainant is not asking for "the exact same documents that have been released, but additional unredacted documents to confirm his belief in who called the police," counsel for the AAPD argues that "the AAPD has not waived their privilege to withhold those records."

In reply, the complainant contends that the AAPD's assertion that "the caller was a confidential source acting in good faith to report a legitimate safety concern" is "contradicted by direct evidence," including "a public social media post from the caller" in which the caller admits to having "requested over 50 welfare checks over the past two years" concerning the complainant.³ The complainant provides a partial screenshot of a Facebook post to support this contention. This, the complainant argues, shows a "pattern of harassment and misuse of emergency responding systems." Moreover, the complainant contends that the caller has "voluntarily and publicly disclosed [their] own actions, thereby waiving any reasonable expectation of confidentiality." Addressing the redactions to the CAD report, the complainant argues that they appear to cover "non-identifying dispatch details," and thus the AAPD has not complied with § 4-203(c)(1), which requires a custodian to provide a brief description of the information withheld so that the requester can assess whether the exemption applies.

Analysis

Under § 4-1A-04(a) of the PIA, we are authorized to review and resolve complaints alleging certain violations of the PIA's provisions, including that a custodian improperly denied inspection of a public record. § 4-1A-04(a)(1)(i). After review of the submissions, if we determine that the custodian violated the PIA as alleged, we must issue a written decision and order a remedy as provided in the PIA. *See* § 4-1A-04(a)(2) and (3). When we find that a custodian has improperly denied inspection of a public record, we must "order the custodian to . . . produce the public record for inspection." § 4-1A-04(a)(3)(i).

³ The complainant initially included mediation communications in his reply. We have not considered these communications. *See* Md. Code Ann., Cts. & Jud. Proc. § 3-1803(b) ("A party to a mediation . . . may not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding.").

Maryland’s Public Information Act “establishes a public policy and a general presumption in favor of disclosure of government or public documents.” *Kirwan v. The Diamondback*, 352 Md. 74, 80 (1998); *see also* § 4-103(b) (providing that the PIA generally must be “construed in favor of allowing inspection of a public record”). But, although the PIA “must be construed liberally in favor of disclosure,” not every public record is subject to inspection. *Bowen v. Davison*, 135 Md. App. 152, 158 (2000). Instead, the PIA contains provisions that exempt certain records and information from disclosure. Some of these exemptions are mandatory and thus require a custodian to deny inspection. *E.g.*, § 4-311 (personnel records); § 4-329 (medical or psychological information about an individual). Other exemptions—like § 4-351, at issue here—are discretionary, allowing a custodian to deny inspection of certain records or information only if inspection would be “contrary to the public interest.” § 4-343. A custodian has the burden of justifying the application of an exemption to deny inspection of a public record. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

Section 4-351(a)(1) affords a custodian discretion to deny inspection of “records of investigations conducted by . . . a police department” if the custodian determines that inspection would be “contrary to the public interest.” § 4-343. The exemption distinguishes between a “person in interest”⁴ and the general public, and provides the person in interest a greater right of access to the records. Specifically, under § 4-351(b), “[a] custodian may deny inspection by a person in interest only to the extent that the inspection would” cause at least one of seven harms to result—*e.g.*, interfering with a law enforcement proceeding or endangering the life or physical safety of an individual. § 4-351(b)(1) and (7). In this case, it appears that the complainant is a person in interest, as police were sent to his residence after receiving a 911 call. And, there is little question that the records fall within the scope of § 4-351(a), as they are records of an investigation conducted by the AAPD. That the investigation was not necessarily criminal in nature does not render the exemption inapplicable. *See Fioretti v. Maryland State Bd. of Dental Examiners*, 351 Md. 66, 80 (1998) (finding that what is now § 4-351 applies equally to non-criminal investigations); *see also* PIACB 25-68, at 7-8 (June 30, 2025) (finding that § 4-351 applied to a police department’s background investigation conducted for hiring purposes).

⁴ A “person in interest” is “a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit.” § 4-101(g)(1). For purposes of investigatory records, the person in interest is the individual “targeted by the investigation.” *Maryland Dep’t State Police v. Dashiell*, 443 Md. 435, 463 (2015). When the person requesting investigatory records is *not* the “person in interest,” a custodian may withhold records if “for any reason, disclosure would be contrary to the public interest.” *City of Frederick v. Randall Family LLC*, 154 Md. App. 543, 561 (2004).

Here, the AAPD relies on § 4-351(b)(4),⁵ which allows a custodian to deny inspection by a person in interest if inspection would “disclose the identity of a confidential source.” Maryland’s Appellate Court has said that, for the exemption to apply, the source must have provided the information “under an express or implied assurance of confidentiality.” *Bowen*, 135 Md. App. at 164. In reaching this conclusion, the Appellate Court found that the focus of the exemption was “not the potential harm to an informant, or the motivation of the party seeking the information,” but “to assist law enforcement officials in gathering information by ensuring reluctant sources that their identities would not be disclosed.” *Id.* Looking to federal case law interpreting the comparable Freedom of Information Act (“FOIA”) exemption,⁶ the Appellate Court noted the federal courts’ instruction that the exemption “must be applied ‘robustly’ in order to ensure the willingness of informants to come forward,” and that “[f]or this reason, the identity of a confidential source may not be revealed until the beneficiary of the confidentiality waives disclosure.” *Id.* at 162 (citing *Randle v. Bentsen*, 866 F. Supp. 1080, 1085 (N.D. Ill. 1994) and *Radowich v. United States Att’y*, 658 F.2d 957, 960 (4th Cir. 1981)).

The question before us then, is whether the source of the report that triggered the AAPD’s visit to the complainant’s house was given express or implied assurances of confidentiality. If so, then the AAPD’s application of § 4-351(b)(4) to deny inspection of records or information that would reveal the caller’s identity was in all likelihood proper. We were unable to resolve that question based on the submissions alone, however, so we asked the AAPD to provide a copy of the 911 call and an unredacted copy of the CAD report. *See* § 4-1A-06(b)(2)(ii)(1) (allowing our Board to request “a copy of the public record” from the custodian). As required by law, we will maintain the confidentiality of these records. *See* § 4-1A-06(b)(5); COMAR 14.02.06 (regulations governing treatment of confidential records or information received from a custodian). Any references to the records or redacted information in this decision will be general in nature so as not to reveal any information that the AAPD maintains is non-disclosable under the PIA. COMAR 14.02.06.05.

After review of the 911 call recording, we find that dispatch at the least implied that the caller would remain anonymous. The redacted CAD notes support this inference. Therefore, § 4-351(b)(4) is potentially applicable, given “the implied assurance of

⁵ Though the AAPD also cited § 4-351(b)(3) and (7) in its response to the complainant’s PIA request, based on counsel’s response to the complaint here, it appears that the AAPD no longer relies on these grounds. We therefore do not address them.

⁶ *See* 5 U.S.C.A. § 552(b)(7)(D) (providing that FOIA’s general rule of disclosure “does not apply to matters that are . . . records or information compiled for law enforcement purposes, but only to the extent that the production . . . could reasonably be expected to disclose the identity of a confidential source”). Maryland appellate courts have “stated that the interpretations and reasoning of the federal courts addressing the ‘investigatory files’ exemption . . . are persuasive.” *Fioretti*, 351 Md. at 75-76.

confidentiality.” *Bowen*, 135 Md. App. at 164. The AAPD’s argument that the public interest does not favor disclosure—i.e., that “it could have a chilling effect on community and police relations”—is consistent with the purpose of the exemption as explained by the courts. *See id.* (purpose is “to assist law enforcement officials in gathering information by ensuring reluctant sources that their identities would not be disclosed”).

The complainant argues that, because the caller’s identity was disclosed to him by a police officer at the scene (and via the body worn camera footage produced to him), the AAPD cannot now claim that § 4-351(b)(4) justifies non-disclosure of the 911 call recording and redaction of the CAD notes. We disagree. Though no Maryland court appears to have confronted this precise question directly, a Florida court considering the issue held that “despite the appellant’s asserted personal knowledge of the identity of the confidential informant . . . that knowledge does not destroy the exemption from disclosure in the statute.” *Christy v. Palm Beach County Sheriff’s Office*, 698 So.2d 1365, 1368 (Fla. Dist. Ct. App. 1997). The substance of the 911 call (which is reflected in the CAD notes) is materially different from what was apparently disclosed to the complainant in the body worn camera footage.⁷ The fact that the complainant believes he knows the source of the 911 call does not preclude application of § 4-351(b)(4) to protect the identity of the source as revealed in other records.⁸ *See Bowen*, 135 Md. App. at 162 (explaining that “the identity of a confidential source may not be revealed until the beneficiary of the confidentiality waives disclosure,” (citing *Radowich v. United States Att’y*, 658 F.2d 957, 960 (4th Cir. 1981))).

We thus find that § 4-351(b)(4) applies to protect the identity of the source of the police report here. However, § 4-351(b) permits denial of inspection “only to the extent that the inspection would” implicate one of the listed harms. Thus, the subsection clearly contemplates redaction when appropriate, and disclosure of any portion of a record that does not implicate the stated harm. *See Baltimore v. Maryland Comm. Against the Gun Ban*, 329 Md. 78, 96 (1992) (“That statutory mandate requires analyzing the investigation file material in order to distinguish between that which reflects one or more of the enumerated circumstances and that which does not.”); *see also Christy*, 698 So.2d at 1368 (“If, after reviewing the report in an in-camera inspection, the trial court can conclude that upon redaction of the informant’s and undercover personnel’s identity the remainder of the report is subject to public inspection, then the appellant is entitled to the redacted report.”).

⁷ It might be the case that the AAPD could have, and perhaps should have, redacted the body worn camera footage under § 4-351(b)(4) as well. We note however, that the footage that was disclosed appears to have been footage of the complainant’s own conversation with the responding police officers. Thus, the complainant was presumably already aware of what occurred during that conversation.

⁸ The undated, partial screenshot of a Facebook post provided by the complainant does not, in our view, alter the outcome. Even if the post was made by the 911 caller, we do not know when it was posted and it does not specifically reference the incident underlying the PIA request here.

As we see it, disclosure of any portion of the 911 call recording would reveal the identity of the caller, thus § 4-351(b)(4) applies to that entire record. Regarding the CAD notes, the AAPD asserts that it redacted only information from which the caller could be identified, and nothing else. After review, of both the redacted and unredacted versions, we find that there is information that would not identify the caller that was nevertheless redacted. Because that information does not implicate § 4-351(b)(4), the AAPD abused its discretion by redacting it. We therefore direct the AAPD to remove the following redactions from the CAD notes:

- Redaction at the bottom of page 1, under “Boundary Notes”
- Redaction at the top of page 2

The remaining redactions cover information that would identify the caller, and therefore the information falls within the scope of § 4-351(b)(4).

Conclusion

Based on the record before us, we find no abuse of discretion or violation of the PIA in the AAPD’s decision to deny inspection of the 911 call recording under § 4-351(b)(4). As to the CAD notes, while some of the information was properly redacted under that same exemption, we find that certain redactions were applied to information that would not disclose the identity of a confidential source. We therefore direct the AAPD to remove those redactions, as indicated immediately above, and produce the CAD notes to the complainant within thirty days of this decision and order. § 4-1A-04(a)(3)(i).

Public Information Act Compliance Board

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