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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-18
January 16, 2026
Prince George's County Police Department, Custodian
Marilyn Howard, Complainant

In August and September of 2024, complainant Marilyn Howard sent two Public Information Act (“PIA”) requests to the Prince George’s County Police Department (“PGPD”) seeking records related to helicopters or other “aviation units” that the complainant alleged had been flying at certain dates and times. For both PIA requests, the PGPD advised that it had no responsive records. The complainant challenges the PGPD’s responses in this complaint. In response to the complaint, the PGPD maintains that it conducted thorough searches for responsive records, but none were located. As explained below, we find no violation of the PIA.

Background

We take the following facts from the parties’ submissions. On or about August 22, 2024, the complainant sent a PIA request to the PGPD asking for records related to an alleged incident involving a helicopter that occurred on August 17, 2024, at a Red Lobster in Camp Springs, MD. The complainant asked the PGPD to:

Please provide the name of police or governmental agency and or law enforcement to include name of officer(s) operating helicopter unit, log sheet information. Also, reason(s) for use of an aviation unit flying over at Red Lobster and for flying unit towards citizens. Also, provide the taxpayer source(s) and program(s) and supervisor(s) approval for any other authorizers names whether federal, state or local police, law enforcement or government agency. Also, any GAG orders by any other law enforcement or government agency.

Then, on September 15, 2024, the complainant sent a second PIA request to the PGPD, seeking similar records but related to an alleged incident that occurred on August 28, 2024, at Passport Nissan in Camp Springs, MD:

Please include all police agencies or other federal, state, local law enforcement agencies or private contractors including any military or government entity's [sic], logs for their aviation units, i.e. log sheets, files,

videos, audios, Gag Court Orders, warrants you work in conjunction with under any ‘Crime Prevention or Domestic Surveillance programs’ conducting searches or information on citizens in Prince Georges County, Maryland.

On September 19, 2024, the PGPD sent the complainant a letter stating that, “[a]fter an extensive search using the information [she] provided, the PGPD does not have any records in their custody that are responsive to [the] request.” The PGPD explained that it “would need a Case number or incident number for each incident to proceed with this request.”

The PGPD sent the complainant a second letter, dated February 20, 2025, concerning her first PIA request. In that letter, the PGPD provided additional information obtained from Lieutenant Smith who was the “Supervisor/pilot of Prince George’s County Helicopter.” According to Lieutenant Smith:

Prince George’s County was out of service for Aviation on August 17th, 2024, after 18:30 due to severe weather. The location referenced in the complaint (5051 Auth Way, Camp Springs, MD 20746) is directly under JBA helicopter flight pattern. The hours listed in the complaint indicate the aircraft was over the alleged site for 22 hours and 20 minutes. There are no helicopters with enough fuel capacity for that length of endurance.

Lieutenant Smith further stated that “[t]he FAA will have to be contacted for any flight information.” The PGPD did not address the complainant’s second PIA request, sent in September 2024.

In April 2025, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance.¹ As to her first PIA request, the complainant disputed the accuracy of the PGPD’s response that it did not have responsive records. As to the second PIA request, the complainant disputed the lack of a response at all. Through the mediation process, the PGPD, on September 5, 2025, issued a letter in which it stated that the PGPD was “unable to retrieve any records relating to the subject matter of [the complainant’s second] request.” Ultimately, the Ombudsman issued a final determination stating that the disputes regarding both PIA requests were unresolved.² The complainant then filed this complaint with our Board.

¹ The Ombudsman is charged with making “reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” Md. Code Ann., Gen. Provisions § 4-1B-04(a). Before filing a complaint with 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. *Id.* § 4-1A-05(a).

² The Ombudsman’s final determination is dated August 18, 2025. However, it appears that it actually issued weeks after that date, as the final determination references the PGPD’s September

The complaint alleges that the PGPD has failed to comply with the PIA, both by denying inspection of a public record and by failing to respond to a PIA request within the statutory timelines. The complainant describes the records she seeks as “documents for two incidents back in August of 2024,” and states that no records have ever been provided.³

In response to the complaint, counsel for the PGPD acknowledges that the PGPD received both of the complainant’s PIA requests. Referring to the letters sent in September 2024 and February 2025, counsel maintains that the PGPD appropriately advised the complainant that it was unable to locate any responsive records. As to the complainant’s second PIA request, counsel states that the PGPD “inadvertently merged the second request with the first request.” However, counsel states that the PGPD “verified with its aviation unit that it does not work in conjunction with other agencies for any Crime Prevention or Domestic Surveillance programs,” and therefore does not have responsive records. Noting that the PGPD is “not the custodian of other federal, state, local law enforcement agenc[y] or private contractor records and logs,” counsel for the PGPD advises that the complainant “would need to inquire with the respective agencies separately.”

Turning to the language of the complainant’s PIA requests, counsel for the PGPD stresses that, while that both requests refer to having seen a helicopter, the complainant “does not provide any specific reference to anything that would support a claim that the alleged aircraft was under Prince George’s County jurisdiction or control that would justify a contention that the County must have records.” Counsel represents that the PGPD “conducted searches with the aviation unit,” and that that unit did not have any responsive records. Counsel states that “[t]he aviation unit did not fly over the two locations on the specified dates and does not have access to records from other federal, state, local law enforcement agencies and private contractors.” Counsel for the PGPD points to the information provided by Lieutenant Smith in the PGPD’s February 2025 letter that the “unit was not flying on August 17, 2024, nor on August 28, 2024,” and that the location identified in the PIA request “is directly in the Andrews Air Force Base traffic pattern.” Counsel states again that records of other agencies, “such as the Department of Defense and the Federal Aviation Administration must be requested from those agencies directly.”

5, 2025, letter. In response to this complaint, the PGPD correctly asserts that a complaint must be dismissed if filed more than thirty days after receipt of the final determination. *See* Md. Code Ann., Gen. Provisions § 4-1A-05(b)(5). We received the complaint on September 23, 2025. Assuming that the final determination issued, at the earliest, on September 5, 2025, the complainant’s complaint was timely. We note that the process of opening the complaint was delayed somewhat by our attempts to obtain a copy of the final determination.

³ The complaint also contains allegations related to what the complainant describes as “unconstitutional and unlawful police misconduct” and “continual daily surveillance.” We do not detail these allegations, as they are beyond our jurisdiction. *See* Md. Code Ann., Gen. Provisions § 4-1A-04 (providing the limits of our powers and duties); *see also* PIACB 25-31, at 3 n.6 (Feb. 20, 2025) (regarding a complaint with similar allegations).

Analysis

The PIA directs us to review and resolve complaints alleging certain violations of its provisions, including that a custodian wrongfully denied inspection of public records. § 4-1A-04(a)(1)(i).⁴ In the past, we have broadly construed our authority to review denials of inspection to include allegations that a custodian failed to locate all responsive records. *See, e.g.*, PIACB 23-05, at 3-5 (Nov. 23, 2022). When we determine that the alleged violation has occurred, we must issue a written decision and order a remedy, as provided in the PIA § 4-1A-04(a)(2) and (3). If we find that a custodian improperly denied inspection of records, we must order the custodian to “produce the public record for inspection.” § 4-1A-04(a)(3)(i). Where the denial is constructive in nature, we may direct the custodian to perform a remedial search and “produce any non-exempt responsive records to the complainant.” PIACB 24-08, at 6 (Sept. 28, 2023).

The PIA requires a custodian to “allow a person or governmental unit to inspect any public record at any reasonable time,” unless the record is exempt from disclosure by law. § 4-201(a). Thus, when custodians receive PIA requests, they must “conduct a search in good faith that is reasonably designed to capture all responsive records,” and that uses “methods that can be reasonably expected to produce the information requested.” *Glass v. Anne Arundel County*, 453 Md. 201, 232 (2017) (quoting *Oglesby v. Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). The PIA does not expect a custodian to “robotically examine every record in [the agency’s] possession,” but instead requires the custodian to focus the search on “where responsive records are likely to be found.” *Id.* When challenged, “the adequacy of the agency’s search is measured by whether it is reasonably calculated to uncover responsive records, not by whether it locates every possible responsive record.” *Id.* at 212.

We were unable to resolve the complainant’s allegations based on the submissions alone, so we asked the PGPD to provide an affidavit from a person with knowledge detailing the steps the PGPD took to search for responsive records.⁵ *See* § 4-1A-06(b)(4).

⁴ Statutory citations are to the General Provisions Article of Maryland’s Annotated Code unless otherwise stated.

⁵ We recognize that, as to the complainant’s second PIA request, the Ombudsman’s final determination states that the mediation “did not address any issues pertaining to the substance of PGPD’s September 5, 2025 response to this request.” Thus, arguably, we lack jurisdiction to review the complainant’s allegation that the PGPD’s response to that request—i.e., that it has no responsive records—is inaccurate. *See* § 4-1A-05(a) (requiring a complainant to first attempt to resolve a dispute through the Ombudsman). However, the PGPD does not ask us to dismiss that allegation and instead responds to it. Moreover, we have, in the past, exercised jurisdiction to resolve complaints where neither party objects to the review and the PIA requests are substantially similar and present the same issue for resolution. *See* PIACB 24-05, at 3 (Nov. 1, 2023).

In response, the PGPD provided an affidavit from Lieutenant Aaron Smith, the Chief Pilot/Commander of the Prince George's County Aviation Unit. ("Smith Affidavit"). Lt. Smith states that he was asked to search for records responsive to the complainant's two PIA requests, and notes that the complainant "did not provide an identification number or information identifying the aircraft as an asset of the Prince George's County Police Department" in those requests. According to the Smith Affidavit, Lt. Smith "performed a records search of the Prince George's County Police Department's aviation logs" for both dates identified in the PIA requests, but no records were found. Lt. Smith states that aviation was "out of service on August 17, 2024, after 18:30 due to severe weather," and that his search "did not locate any Prince George's County Police Department's aviation units/flights in the requested location on August 28, 2024." Lt. Smith further states that he does not have access to records maintained by federal, state, or local agencies outside of the PGPD, and notes that the locations the complainant identifies "are directly under Joint Base Andrews helicopter flight pattern." The Smith Affidavit explains that the Federal Aviation Administration should be contacted "for any flight information regarding their unit/fleet." The Smith Affidavit reiterates that "a comprehensive search was conducted using all available resources and repositories, and based on that search, the County has no records responsive to the request."

With the additional information supplied by the Smith Affidavit, we cannot find the PGPD's search unreasonable under the PIA. Both PIA requests sought records concerning helicopters or other aviation units that the complainant alleged were hovering over specific locations on specific dates. However, as the PGPD points out, other than the fact that the locations were in Prince George's County, the complainant did not provide any information that would otherwise identify the aircraft as belonging to the PGPD. The reasonableness of a search "must be measured against the specificity of the request," *Glass*, 453 Md. at 233, and, given the information the complainant provided, we find it reasonable for the PGPD to have (1) tasked the Chief of the Aviation Unit with performing the search and (2) searched for records in the unit's aviation logs, which presumably provide information by date and time. For most of the records the complainant sought to have existed, there would have to have been a PGPD helicopter or other aircraft flying in the locations identified on the dates and times specified. We credit the Smith Affidavit's assertion that the PGPD had no record of its own aviation units doing so and thus find that the PGPD did not constructively deny the complainant's PIA requests.

Conclusion

For the reasons discussed above, we find that the PGPD did not violate the PIA. Rather, the PGPD performed a reasonable and adequate search for records responsive to the complainant's PIA requests.

Public Information Act Compliance Board

Sareesh Rawat, Chair
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