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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-28
December 23, 2025
Wicomico County, County Executive, Custodian
Thomas Hancock, Complainant

Complainant Thomas Hancock alleges that the County Executive for Wicomico County (“WCCE”) violated Maryland’s Public Information Act (“PIA”) by denying inspection of certain video footage that he requested. The WCCE denied inspection under § 4-351(a) of the PIA,¹ citing an ongoing criminal matter. In response to this complaint, the WCCE explains that, because that criminal matter has been resolved, the WCCE will make the responsive video available to the complainant. After review of the submissions, we find no violation of the PIA.

Background

On September 29, 2025, the complainant sent a PIA request to the WCCE asking for “the video from the government building with the incident between the security guard and Mr. Robert Glen Horn,” which had apparently taken place on September 26, 2025. Counsel for the WCCE responded the following day and advised that the records would “not be produced at this time . . . due to the ongoing criminal matter and open nature of the police investigation into the case which precipitated this interaction, as disclosure of the requested information could adversely affect the case.” Counsel cited § 4-351(a)(1), which concerns certain investigative records, as authority for the denial.

The complainant disagreed with the WCCE’s response to his PIA request, so he contacted the Public Access Ombudsman to request dispute resolution assistance.² After the Ombudsman issued a final determination stating that the dispute was not resolved, the complainant filed this complaint with our Board. The complainant states that his PIA request sought “video from [the WCCE’s] office building that is owned by the people

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

² The PIA directs the Public Access Ombudsman to “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).

maintained by the people and has cameras throughout the building again provided and maintained by the people.” The complainant alleges that his PIA request was “denied on an improper denial basis and [he] has still not been made whole on the request.”

In response to the complaint, counsel for the WCCE advises that “[a]s of November 17th, 2025, the criminal matter was resolved and the case was closed.” The WCCE thus takes the position that the records are no longer subject to § 4-351(a)(1), and counsel states that the video will be made available to the complainant “via a drop box share file.” Counsel includes instructions for viewing the video.³

Analysis

The PIA authorizes us to review and resolve complaints alleging certain violations of its provisions, including that a custodian improperly denied inspection of a public record. § 4-1A-04(a)(1)(i). If, after review of the parties’ submissions, we find that a custodian has wrongfully denied inspection of a public record, we must “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(3)(i).

The PIA “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). Though its provisions must be “construed in favor of allowing inspection of a public record,” § 4-103(b), the PIA does not permit “complete *carte blanche*, unrestricted disclosure of all public records, *Immanuel v. Comptroller*, 449 Md. 76, 88 (2016). Instead, the PIA contains provisions that exempt certain records and information from disclosure, including § 4-351, the exemption at issue here. That exemption permits a custodian to deny inspection of “records of investigations” conducted by certain specific law enforcement agencies, including “a police department” or “a sheriff,” as well as “an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose.” § 4-351(a)(1) and (2).

To properly invoke § 4-351, a custodian must demonstrate that the requested inspection would be contrary to the public interest. § 4-343. Where an investigation is open and ongoing, courts have found the public interest prong rather easily met, explaining that “the reason why it is in the public interest to withhold the contents of an investigative file is obvious, i.e., disclosure almost always would ‘interfere with law enforcement

³ We understand, based on emails subsequently exchanged between the complainant and counsel for the WCCE, that the complainant had some difficulty opening the video file. Counsel stated that, if the complainant was not able to access the video through the link, a thumb drive would be provided. Though it is not clear to us whether the complainant was able to access the video through the link, we are confident that he will obtain the video footage he requested one way or another.

proceedings.”⁴ *City of Frederick v. Randall Family LLC*, 154 Md. App. 543, 566 (2004): *see also Blythe v. State*, 161 Md. App. 492, 538 (2005) (stating that, for open and ongoing cases, a custodian may “show that disclosure would constitute interference generically, rather than having to show particularized interference”).

In response to this complaint, counsel for the WCCE states that, at the time of the complainant’s PIA request, on September 29, 2025, there was an open and ongoing criminal matter to which the requested video footage related. Information in the public record shows that criminal charges were brought against the person identified in the PIA request on September 26, 2025,⁵ which is also the relevant date of the footage that the complainant provided in his request. The Wicomico County Sheriff’s Office appears to have investigated the case. We note further that the complainant requested video footage from inside a County office building and that one of the charges was brought under § 6-409(b) of the Criminal Law Article, which prohibits a person from refusing or failing to “leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours” if certain circumstances are present. The case was also resolved with a guilty plea on November 17, 2025, as indicated in the WCCE’s response to this complaint. Given all of the above, we are satisfied that the requested video footage related, at the time of the complainant’s PIA request, to an open and ongoing criminal matter.

The WCCE denied inspection of the video footage under § 4-351(a)(1), which applies to, among others, “records of investigations conducted by . . . a sheriff.” Arguably, the footage is such a record, although in the custody of the WCCE, which is not one of the agencies identified in subsection (a)(1). But, even if § 4-351(a)(1) applies only to records actually in the custody of one of the named agencies conducting the investigation, in our view, the video footage also falls within the scope of subsection (a)(2), as part of an “investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose.” § 4-351(a)(2); *see also* PIACB 25-63, at 6 (May 20, 2025) (concerning video footage used in a federal investigation, but in the custody of a county police department). And, as discussed above, we find that the relevant investigation and

⁴ Section 4-351(b) distinguishes between inspection by a “person in interest” and the rest of the public, setting a higher bar for non-disclosure to a “person in interest.” A “person in interest” is most often the person “that is the subject of a public record.” § 4-101(g)(1). For purposes of investigative records, the “person in interest” is the person “targeted by the investigation.” *Maryland Dep’t State Police v. Dashiell*, 443 Md. 435, 463 (2015). It appears that, here, the complainant is not a “person in interest,” and thus the WCCE may deny inspection “if, for any reason, disclosure would be contrary to the public interest.” *Randall Family*, 154 Md. App. at 561.

⁵ This information is available through the Maryland Judiciary Case Search, <https://casesearch.courts.state.md.us/casesearch/inquiry-search.jsp>. *See State v. Robert Glenn Horn*, Case No. D-023-CR-25-001468 (Dist. Ct. Wicomico County).

prosecution was open when the complainant requested the video footage, on September 29, 2025. *See Fioretti v. Maryland State Bd. of Dental Examiners*, 351 Md. 66, 82 (1998) (custodian must show that it “legitimately was in the process of or initiating a specific relevant investigative proceeding” to invoke what is now § 4-351(a)(2)). Thus, the WCCE has also satisfied the public interest prong. We therefore find no abuse of discretion in the WCCE’s application of § 4-351(a) to deny inspection at the time of the complainant’s PIA request. Now that the criminal case is closed, the WCCE has released the requested video footage to the complainant, presumably having concluded that no other exemptions from disclosure apply.

Conclusion

After review of the submissions, and for the reasons discussed above, we find no violation of the PIA. Rather, the WCCE appropriately exercised its discretion under § 4-351(a) of the PIA to deny inspection of video footage that related to a criminal matter, which was open and ongoing at the time of the PIA request.

Public Information Act Compliance Board

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