



## WICOMICO COUNTY, MARYLAND

OFFICE OF THE COUNTY EXECUTIVE

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September 10<sup>th</sup>, 2024

### VIA FIRST CLASS MAIL

The Honorable Anthony Brown,  
Attorney General  
Office of the Attorney General  
200 St. Paul Place  
Baltimore, MD 21202

RE: Request for an Opinion of the Attorney General  
Requestor: Wicomico County Executive

Attorney General Anthony Brown:

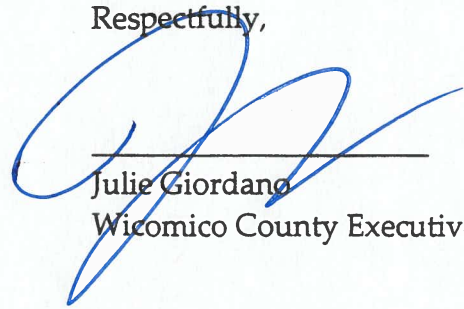
Currently Wicomico County (the "County") is grappling with the competing interests involved in the encryption of Police radio dispatch transmissions. Specifically, the County seeks to maintain police officer safety while simultaneously providing transparent information to the public in compliance with the provisions of the Public Information Act (the "PIA").

As County Executive, I seek to better understand the distinction between Police radio dispatch calls as disclosable public records versus partial non-disclosure in the context of the PIA. I also seek clarity as to the acceptable PIA parameters for delayed disclosure of the Police radio dispatch communications

As County Executive, I request an update to the 1986 AG opinion to provide direction that would benefit not only the County, but many other jurisdictions across Maryland that either are currently, or will soon be navigating this encryption issue under the Public Information Act.

Thank you in advance for your kind consideration of, and opining in, this important matter. Should you have any questions or require any additional information, please do not hesitate to contact County Attorney, Paul Wilber, at 410-742-3176.

Respectfully,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

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Julie Giordano  
Wicomico County Executive

**OFFICE OF THE COUNTY ATTORNEY  
INTEROFFICE MEMORANDUM**

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**TO:** Wicomico County Executive

**FROM:** Paul Wilber, County Attorney

**DATE:** September 10, 2024

**SUBJECT:** Clarification of the distinction between Police radio dispatch calls as disclosable public records versus partial non-disclosure, and clarity as to the acceptable parameters for delayed disclosure of the Police radio dispatch communications under the Maryland Public Information Act.

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**Background:**

Historically, anyone in Wicomico County with a capable radio scanner could tune into the appropriate channel for police, fire or EMS and freely listen to the dispatch broadcasts as they happened. Several months ago, all police radio dispatch transmissions were encrypted so that any radio or scanner outside of the police force would no longer be able to access the newly encrypted police radio dispatch transmissions. Encryption has not been extended to the local fire or EMS services, and those dispatch transmissions can still be easily accessed, as they were previously. This new prohibition on citizens freely listening into the Police radio dispatch calls has caused some concerns among the local individuals pursuing transparent reporting and communications by the Police force. This issue relates only to police dispatch transmissions not to any subsequent encrypted operational transmissions.

**Discussion:**

Currently Wicomico County (the "County") is grappling with the competing interests involved in the encryption of Police radio dispatch transmissions. Specifically, the County seeks to maintain police officer safety while simultaneously providing transparent information to the public in compliance with the provisions of the Public Information Act (the "PIA").

An opinion, which is attached hereto, was rendered by the Maryland Office of the Attorney General in 1986 addressing the issue of whether or not recordings of calls to 911 Emergency Telephone System centers are subject to the disclosure requirements of the Maryland PIA. That opinion indicated that:

1. Recordings of calls to 911 Emergency Telephone System centers are "public records" under the PIA. *Superintendent, Maryland State Police v. Henschen*, 279 Md. 468 (1977). See also 61 Opinions of the Attorney General 702, 705 (1976).

2. The portion of any recording that contains medical or psychological information about an individual may not be disclosed.
3. Recordings of calls for police assistance may be withheld from disclosure, but only if disclosure would be contrary to the public interest.
4. All other recordings must be disclosed upon request, except in the extraordinary situation in which a court is asked to withhold otherwise available information.

Applying the 1986 Attorney General Opinion to PIA requests for 2024 police dispatch transmissions, the County should:

1. Make the police dispatch transmission available to the public or public records, *General Provisions Article, Section 401*; and
2. Redact medical or psychological information, or information about an individual with a disability; and other required denials for specific information under the *General Provisions Article, Section 4-321, et seq.*

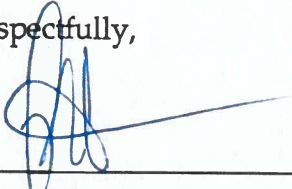
Since the 1986 opinion, many jurisdictions across Maryland have opted to encrypt live police radio dispatch communications, but to allow for monitored disclosure of the dispatch communications after a certain amount of time has elapsed. For example, Baltimore City chose to address the encryption issue by allowing for police dispatch communications to be accessed via a system called "Broadcastify" after a fifteen-minute delay period. On Broadcastify, the communications appear unaltered, in written format, for users of the system to review. Other jurisdictions in Maryland such as Baltimore City, Baltimore County, Prince George's County, Montgomery County, etc. currently utilize Broadcastify to disseminate this type of information to the public on a time delayed basis. The County Executive understands and agrees with the principles of the 1986 opinion, but would appreciate updated guidance within the context of the change in communication circumstances since 1986; and the provisions of *General Provisions Article, Section 4-203*.

**Conclusion/Recommendation:**

The County Executive seeks to better understand the distinction between Police radio dispatch calls as disclosable public records versus partial non-disclosure in the context of the PIA. The County Executive also seeks clarity as to the acceptable PIA parameters for delayed disclosure of the Police radio dispatch communications. In order to not find the County Executive afoul of the Maryland Public Information Act requirements, it is recommended that the County Executive seek an Opinion of the


requirements, it is recommended that the County Executive seek an Opinion of the Attorney General to reconcile the holdings of the 1986 opinion with the additional context of the last 38 years. An update to the 1986 AG opinion would provide direction that would benefit not only the County, but many other jurisdictions across Maryland that either are currently, or will soon be navigating this encryption issue under the Public Information Act.

Respectfully,



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410.742.3176



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