STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 23-18
June 7, 2023
Town of Easton / Easton Police Department, Custodian
Jermaine Patton, Complainant

Between February of 2021 and December of 2022, the complainant, Jermaine Patton, sent three Public Information Act ("PIA") requests to the Town of Easton ("Easton") seeking various records from the Easton Police Department ("EPD"). Easton produced some records and, as to others, either denied inspection entirely or redacted certain portions. The complainant was dissatisfied with Easton's responses to each of his requests and sought the assistance of the Public Access Ombudsman. Ultimately, the Ombudsman was unable to resolve the matters. In this complaint, the complainant alleges that Easton is violating the PIA in the following ways: (1) as to his first PIA request, by failing to produce responsive police body worn camera footage or by editing that footage; (2) as to his second PIA request, by denying inspection of different police body worn and dash camera footage; and (3) as to his third PIA request, by redacting the responsive police report. Easton responds that it provided the body camera footage sought in the first PIA request, and that it properly denied inspection of and redacted the records responsive to the complainant's second and third PIA requests. As we explain below, we conclude that Easton did not violate the PIA in any of its responses to the complainant's PIA requests.

Background

In his first PIA request, sent on February 23, 2021, the complainant asked for police body worn and dash camera footage related to an incident that had occurred just a few days before he sent his request. Easton denied the request, citing § 4-351,[1] and explained that the records related to an open investigation and that inspection would "interfere with a valid and proper law enforcement proceeding," among other things. Nearly two years later, on December 12, 2022, the complainant sent another request for the same records. This time, Easton provided a USB drive containing responsive records. Two weeks later, on December 29, 2022, the complainant contacted Easton and asserted that the body worn camera footage of a certain police officer had not been produced. Easton asked the complainant to return the USB drive so that it could determine whether or not the footage had, in fact, been provided.

[1] Statutory citations are to the General Provisions Article of Maryland's Annotate Code, unless otherwise indicated.

On October 26, 2022—prior to resubmitting his first PIA request—the complainant sent his second PIA request. That request sought body worn and dash camera footage from two police officers related to a recent incident. Easton denied the complainant's second PIA request, citing § 4-351's discretionary exemption for records related to investigations conducted by certain law enforcement agencies. Easton suggested that the complainant might submit another PIA request for the records in the future, when he "believe[s] the timing is appropriate to do so."[2]

Finally, on December 28, 2022, the complainant sent his third PIA request seeking a copy of a specific police report. Easton produced the report, but with redactions to the complaining witness's and another witness's[3] personal and identifying information made pursuant to § 4-351(b) and (d).

In his complaint to this Board, the complainant maintains that Easton has, in various ways, unlawfully denied inspection of records responsive to all three of his requests. The complainant's position is that Easton should produce *all* records responsive to his requests, and without any redactions. Regarding the complainant's first PIA request, Easton responds that, after the complainant advised that certain footage was missing and returned the first USB drive, Easton provided him with a second USB drive containing the body camera footage. Noting that the complainant now alleges that the footage has been edited, Easton also contends that all of the responsive body camera footage was provided to the complainant with the first USB drive and that it has not edited any of the footage.

As to the complainant's second PIA request, the request for body worn and dash camera footage of two specific police officers, Easton defends its application of § 4-351 to deny inspection. Easton advises that the EPD is currently conducting an internal investigation as a result of complaints that the complainant filed against the officers. Once that internal investigation is complete, the EPD will turn over the results to the Talbot County Administrative Charging Committee ("ACC").[4] Easton further advises that, once

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[2] The complainant sent the same PIA request to Easton again on January 11, 2023, and Easton denied the request on the same grounds.

[3] In the interest of brevity we will refer to the complaining witness and witness together simply as "witnesses."

[4] *See* Talbot County, Maryland, Police Accountability Board and Administrative Charging Committee, https://talbotcountymd.gov/About-Us/Departments/Office_of_Law/police-accountability-board (last visited May 4, 2023). Under recent changes to the law governing police accountability and discipline, at the conclusion of "an investigation of a complaint of police misconduct involving a member of the public and a police officer," a law enforcement agency must "forward to the appropriate administrative charging committee the investigatory files for the matter." Md. Code Ann., Pub. Safety ("PS") § 3-104(d); *see also* 2021 Md. Laws, ch. 59. Among other things, the ACC must "review the findings of [the] law enforcement agency's investigation," and determine whether or not the officer will be "administratively

the matter has concluded entirely, "the information will be eligible to be produced" to the complainant.

Finally, as to the complainant's third PIA request, Easton contends that it redacted the responsive police report in accordance with the PIA. Easton asserts that the redactions were applied to shield the witnesses' personal and identifying information under § 4-351(b) and (d) of the PIA. Alleging that the complainant has had "numerous contacts" with the EPD, and that he has been "angry, hostile, and verbally abusive to the Town staff and even [counsel's] own office staff," Easton explains that it "weighed the concern for the safety of the witness and complainant with the [complainant's] right to information." Easton maintains that, on balance, it permissibly determined that the safety concerns weighed against disclosure.

In a reply filed with the Board, the complainant asserts that he does not have all of the body camera footage responsive to his first PIA request because the footage has been edited. The complainant contends that an email sent to him by the Town Clerk confirms that fact. Regarding the redactions of witness information in the police report, the complainant argues that they are improper because, as he alleges, the complaining witness "made a false claim" and "committed a crime" by "knowingly fil[ing] a false report," and that he (the complainant) has a "right to pursue charges." The complainant further accuses Easton's counsel of "defam[ing] [his] character" by falsely claiming that the complainant has been "angry, hostile, and verbally abusive."

Analysis

We are charged with reviewing and resolving complaints that allege certain violations of the PIA's provisions. *See* § 4-1A-04(a) and (b). One such allegation is that a custodian "denied inspection of a public record in violation of [the PIA]."[5] § 4-1A-04(a)(1)(i). If we determine that a violation of the PIA has occurred, we must issue a written decision and order an appropriate remedy, as provided by the statute. § 4-1A-04(a)(2) and (3). For example, if we find that a custodian wrongfully denied inspection of a public record, then we must "order the custodian to . . . produce the public record for inspection." § 4-1A-04(a)(3)(i).

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charged." PS § 3-104(e). Notably, an ACC must "review any body camera footage that may be relevant to the matters covered in the complaint of misconduct," and "[a] member of an administrative charging committee shall maintain confidentiality relating to a matter being considered by the administrative charging committee until final disposition of the matter." *Id.* § 3-104(e)(4) and (h).

[5] Before filing a complaint, a complainant must attempt to resolve the dispute through the Public Access Ombudsman and the Ombudsman must have issued a final determination stating that the dispute was not resolved. § 4-1A-05(a).

The General Assembly enacted the PIA "to provide the public the right of access to government information," and with a "basic policy . . . in favor of disclosure." *Blythe v. State*, 161 Md. App. 492, 513 (2005) (quoting *Faulk v. State's Att'y for Harford County*, 299 Md. 493, 499 (1984)). At the same time, the PIA "does not require the carte blanche, and unrestricted disclosure, of all public records." *Univ. Sys. of Maryland v. Baltimore Sun Co.*, 381 Md. 79, 94 (2004). Instead, the PIA contains provisions that direct a custodian to deny inspection of specific records or information, as well as provisions that permit a custodian to deny inspection if inspection would be "contrary to the public interest." *Id.*; *see also* § 4-301 (denials based on other sources of law), §§ 4-304 through 4-327 (required denials for specific records), §§ 4-328 through 4-341 (required denials for specific information), and §§ 4-343 through 4-356 (discretionary denials when inspection would be "contrary to the public interest").[6] When invoking one or more of the PIA's exemptions, the custodian bears the burden of justifying its application. *Cranford v. Montgomery County*, 300 Md. 759, 780 (1984).

The exemption invoked here, § 4-351, is a discretionary exemption—a custodian is not *required* to deny inspection, but may do so if the custodian "believes that inspection of a part of a public record by the applicant would be contrary to the public interest." § 4-343. Subsection (a) outlines four categories of records subject to the exemption, including "records of investigations conducted by . . . a police department," § 4-351(a)(1), and "records, other than a record of a technical infraction, relating to an administrative or criminal investigation of misconduct by a police officer," § 4-351(a)(4). Though in general a custodian may deny inspection of a record listed in subsection (a) "if, for any reason, disclosure would be contrary to the public interest," *Frederick v. Randall Family LLC*, 154 Md. App. 543, 561 (2004), subsection (b) provides the more specific and limited circumstances under which a custodian may deny inspection by a "person in interest," i.e., the person "that is the subject of a public record," *see* § 4-101(g) (defining "person in interest"). Those seven circumstances include "interfer[ing] with a valid and proper law enforcement proceeding," causing an "unwarranted invasion of personal privacy," or "endanger[ing] the life or physical safety of an individual." § 4-351(b)(1), (3), and (7). With this basic understanding of § 4-351's structure and content, we turn to the three PIA requests at issue here.

Though Easton initially invoked § 4-351 to deny the complainant's **first PIA request**—the request for police body worn camera footage related to an incident that occurred in February 2021—Easton no longer contends that the exemption applies. In fact,

[6] The PIA also contains a provision that allows a custodian to temporarily deny inspection when the PIA "authorizes inspection of a public record but the official custodian believes that inspection would cause substantial injury to the public interest." § 4-358. Once this exemption is invoked, the official custodian must "petition a court to order authorization for the continued denial of inspection" within ten working days after the denial. § 4-358(b)(1); *see, e.g., Glenn v. Maryland Dep't Health & Mental Hygiene*, 446 Md. 378 (2016).

Easton maintains that all of the responsive footage has been provided to the complainant in full. In his complaint, the complainant initially alleged that the footage from one officer in particular was not contained on the first USB drive that Easton produced to him. In response to the Board complaint, Easton has provided an email, sent by the complainant on March 20, 2023 to the Town Clerk, that indicates that the complainant had picked up a second USB drive and reviewed it. As stated in his reply, the complainant now contends that body camera footage "has been edited," a claim that Easton counters is "false and unfounded."

At the outset, we note that the initial allegation before this Board—that Easton has constructively denied inspection of the body camera footage by failing to include it on the USB drive with the other responsive records—appears to be resolved by the complainant's own email indicating that he now has the footage and has reviewed it. To the extent that the complainant is alleging that Easton has violated the PIA by editing that footage, we do not find any such violation. The PIA requires a complainant to "describe the action of the custodian . . . and the circumstances of the action." § 4-1A-05(b)(2). The complainant has not done so with any degree of specificity that would allow us to evaluate—or Easton to respond to—an allegation that the body camera footage has been edited. He has not described to us which portions of the footage he believes to be missing or altered, nor has he given us any reason to doubt the EPD's assertion that it did not redact or edit the footage.[7]

Turning to the complainant's **second PIA request**, Easton contends that it properly denied inspection of the responsive police body worn and dash camera footage under § 4-351 because the footage relates to an internal affairs investigation that is open and ongoing. Initially, we note that neither party has explicitly addressed whether the complainant is a "person in interest" as to these records, a determination that is relevant to the application of the exemption. Assuming that the footage relates to a traffic stop or other incident in which the complainant was the subject of the officers' investigation, then he would be a person in interest with "favored status," *Blythe*, 161 Md. App. at 531, regarding inspection of the records under § 4-351(b).

However, we conclude that even if the complainant is a person in interest, Easton appropriately exercised its discretion to deny inspection of the body worn and dash camera

[7] In his reply, the complainant argues that "the many back and forth emails with [the] town clerk . . . confirm[] that the records were edited . . . she acknowledged such." The complainant points to an email sent on December 30, 2022, at 8:34 a.m. in particular. We do not share the complainant's interpretation of that email which, in response to an email from the complainant stating that a certain police officer's body camera footage was not included on the USB drive, simply asks the complainant to "[p]lease bring the flash drive back to [her] office" so that the clerk could "look into this" for the complainant. This does not appear to be an admission or acknowledgement that the body camera footage was edited, or even missing in the first place.

footage that the complainant requested. This is so because the footage is part of the EPD's investigation of complaints filed against the officers—an investigation that Easton represents is still ongoing. Section § 4-351(b) permits a custodian to deny inspection by a person in interest if inspection would "interfere with a valid and proper law enforcement proceeding" or "prejudice an investigation," § 4-351(b)(1) and (6), and courts have been clear that the fact that an investigation is open and ongoing will generally be sufficient to establish that such interference or prejudice would result. *See, e.g.*, *Randall Family*, 154 Md. App. at 566 (explaining that where an investigation is ongoing or a defendant is awaiting trial, "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 proceedings,'" (citation omitted)); *cf. Blythe*, 161 Md. App. at 538 (when a criminal case is open and pending, a custodian may "show that disclosure would constitute interference generically, rather than having to show particularized interference on an *ad hoc*, case-by-case basis"). Easton cited these reasons in its responses to the PIA request and the complaint to this Board.

Before turning to the complainant's third PIA request, we pause briefly to note that, though "[t]he legislature clearly did not intend for public agencies to avoid disclosure under the PIA by failing to conclude investigations," *Fioretti v. Maryland State Bd. of Dental Examiners*, 351 Md. 66, 91 (1998), we have no indication at this point that Easton is intentionally delaying or dragging out its investigation in order to circumvent the PIA. The incident underlying the second PIA request occurred on October 23, 2022, approximately seven months ago. Although we do not know exactly when the complainant submitted his complaints against the officers to the EPD, even if he submitted them right away we do not think that seven months is an unreasonably long time, given that the EPD must conduct its own internal investigation and then, when that investigation is concluded, turn the results over to the ACC for further investigation and review.[8] *Compare, e.g.*, *Fioretti*, 351 Md. at 91 (concluding that, because the Dental Board had ceased its investigation and "left the matter in a state of limbo for the past fourteen months," the Board had failed to show that inspection would prejudice its investigation). At the same time, both the EPD and the ACC should ensure that the investigations and any proceedings are conducted and concluded in a timely manner free from any unnecessary delays.

Finally, Easton contends that it permissibly redacted personal and identifying information of witnesses from the police report responsive to the complainant's **third PIA**

[8] As noted *supra*, note 4, an ACC is required to both review any body camera footage relevant to a complaint of police misconduct and maintain the confidentiality of matters before it until final disposition. PS § 3-104(e)(4) and (h). Though Easton and the EPD are not "member[s] of an administrative charging committee," PS § 3-104(h), its custodians may certainly take these provisions into account when determining whether disclosure of records that may be part of an ACC's file would be "contrary to the public interest," § 4-343, or "interfere with a valid and proper law enforcement proceeding," § 4-351(b)(1).

request. As with its response to the PIA request, Easton maintains that, under § 4-351(b), disclosure of this information would "constitute an unwarranted invasion of person[al] privacy, disclose the identity of a confidential source, and endanger the life or physical safety of an individual." Easton also points to § 4-351(d)(1)(ii) and (2) as statutory authority for the redactions. Section 4-351(d)(1)(ii) requires a custodian to "redact the portions of a record described in subsection (a)(4) . . . to the extent that the record reflects . . . personal contact information of the person in interest or a witness." Section 4-351(d)(2) allows a custodian to redact the same type of record "to the extent that the record reflects witness information other than personal contact information."

Because the complainant's status as to this record—i.e., whether he is a person in interest—is important to the determination, we asked Easton to provide us with a copy of the *redacted* version of the police report that was produced to the complainant. *See* § 4-1A-06(b)(2)(ii)(1) ("On request of the Board, the custodian shall provide . . . a copy of the public record."). Upon review of the record, it is clear that the complainant is a person in interest. The police report relates to a traffic stop of the complainant effected by EPD officers to investigate allegations made by another driver. Thus, as to this record, the complainant is "entitled to the more favorable treatment accorded such persons" under § 4-351(b). *Office of the State Prosecutor v. Judicial Watch*, 356 Md. 118, 139 (1999). That means that Easton may deny inspection "only to the extent" that inspection would cause one or more of the seven harms enumerated in that that subsection to occur. § 4-351(b). The specific information redacted in the report consists of the witnesses' names, dates of birth, race, sex, ages, driver's license numbers, heights, and weights.

We see at least one potential problem with Easton's arguments that §§ 4-351(b) and (d) permit redaction of the witnesses' information from the responsive police report. We start with the more clearly problematic one. Subsection (d) applies to "record[s] described in subsection (a)(4)"—i.e., "records . . . relating to an administrative or criminal investigation of misconduct by a police officer." § 4-351(d)(1) and (2). The disputed police report does not appear to fit that description; rather, it is a "record[] of investigation conducted by . . . a police department." § 4-351(a)(1). Thus, the specific mandatory and permissible redaction provisions in subsection (d) do not apply.

That § 4-351(d) does not apply does not necessarily mean that Easton cannot redact the police report as it has, however. Redaction of the information may still be permissible under § 4-351(b). This brings us to the second, muddier question. Easton contends that disclosure of the witnesses' information in the police report would "constitute and unwarranted invasion of person[al] privacy, disclose the identity of a confidential source, and endanger the life or physical safety of an individual." Ordinarily, an agency cannot meet its burden under § 4-351(b) by simply repeating the words of the exemption's provisions without further explanation about *why* those provisions apply. In other words, a custodian usually must demonstrate "with particularity and not in purely conclusory terms" how disclosure would cause one of § 4-351(b)'s harms. *Blythe*, 161 Md. App. at

527; *see also Fioretti*, 351 Md. at 100 (Wilner, J., concurring) ("An agency cannot satisfy its statutory burden of 'sustaining a decision to deny inspection of a public record' by simply asserting that all of the records sought would prejudice an investigation, for, if it could do that, the [PIA] would be meaningless."). Easton contends that § 4-351(b)(3), (4), and (7) justify the redactions applied to the police report. We address each in turn, although not in that order.

As we see it, Easton has not provided sufficient support or evidence for the assertion that disclosure of the information redacted in the police report would "disclose the identity of a confidential source" under § 4-351(b)(4). The Appellate Court of Maryland has explained that the "focus on the confidential source exception . . . is not the potential harm to an informant, or the motivation of the party seeking the information," but rather to "assist law enforcement officials in gathering information by ensuring reluctant sources that their identities would not be disclosed." *Bowen v. Davison*, 135 Md. App. 152, 164 (2000). Thus, for § 4-351(b)(4) to apply, the "source" must have been given express or implied assurances of confidentiality. *Id.* Nothing in the police report or in Easton's response to the complaint indicates that the witnesses requested anonymity, or that they are otherwise considered "confidential sources" of information by the EPD—especially in regards to the now-closed investigation into the February 2021 incident. Thus, we conclude that Easton has failed to meet its burden to demonstrate that § 4-351(b)(4) justifies the redactions that it applied to the police report.

Easton's contention that § 4-351(b)(3) applies—i.e., that release of the redacted information would "constitute an unwarranted invasion of personal privacy"—is a more difficult question. As with § 4-351(b)(4), Easton simply parrots the language of the statute, without providing further argument or explanation as to how disclosure would cause an unwarranted invasion of the witnesses' personal privacy. *Cf. Evans v. Fed. Bureau of Prisons*, 951 F.3d 578, 586 (D.C. Cir. 2020) (affidavit claiming that release of prison surveillance footage "may constitute an unwarranted invasion of privacy" was insufficient because it lacked specificity, was conclusory, and "recite[d] statutory language without demonstrating its applicability to the information withheld").

At the same time, federal courts interpreting the Freedom of Information Act's ("FOIA") counterpart to § 4-351(b)(3), 5 U.S.C.A. § 552(b)(7)(C),[9] have explained that the personal privacy interests at stake "encompass a broad range of concerns relating to an individual's control of information concerning his or her person, and an interest in keeping personal facts away from the public eye." *Lahr v. Nat'l Transp. Safety Bd.*, 569 F.3d 964, 974 (9th Cir. 2009) (internal quotations and citations omitted). Thus, it may be that certain

[9] 5 U.S.C.A. § 552(b)(7)(C) provides that FOIA's rule of disclosure "does not apply to matters that are . . . records or information complied for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . could reasonably be expected to constitute an unwarranted invasion of personal privacy."

types of data and information about private individuals can, in and of themselves, and without much detailed explanation, fall within § 4-351(b)(3). *Cf. Nat'l Archives & Rec. Admin. v. Favish*, 541 U.S. 157, 166 (2004) (explaining, regarding information about witnesses or initial suspects contained in law enforcement records that "[t]here is special reason, therefore, to give protection to this intimate personal data, to which the public does not have a general right of access in the ordinary course"); *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 766 (1989) (explaining that FOIA reflects a "congressional understanding that disclosure of records containing personal details about private citizens can infringe significant privacy interests").

When determining whether § 552(b)(7)(C) has been properly applied, federal courts "balance the privacy interest protected by the exemption[] against the public interest in government openness that would be served by disclosure." *Lahr*, 569 F.3d at 973; *see also* 77 Md. Op. Att'y Gen. 183, 185 (1992) (when applying what is now § 4-351 to a record "containing the name and address of a victim of a crime" a custodian must "consider not only the privacy interests of the victim but also assertions about the public interest in disclosure that are made by the requester"). Federal courts have cautioned that "the *only* relevant public interest in the FOIA balancing analysis [under § 552(b)(7)(C)] is the extent to which disclosure of the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens know what their government is up to." *Lahr*, 569 F.3d at 974 (citation omitted) (emphasis original). Whether an invasion of privacy is "warranted" does not "turn on the purposes for which the request for information [wa]s made," but instead on "the nature of the requested document and its relationship to the basic purpose of the Freedom of Information Act to open agency action to the light of public scrutiny." *Reporters Comm.*, 489 U.S. at 771-72 (cleaned up); *cf. also Immanuel v. Comptroller*, 449 Md. 76, 95 (2016) (explaining that the PIA is "a powerful tool for understanding the activities and actions of the State government, but it should not be a means of invading the privacy of individuals merely because the State has collected information about those people or their property," and finding that the financial information sought by the requester did not "offer the citizen a better understanding of how the government of the State of Maryland is functioning or what it is up to").

Based on the federal courts' treatment of § 552(b)(7)(C)—which we find persuasive in light of the similarities between the FOIA exemption and § 4-351[10]—we have little trouble concluding that the witness information redacted in the disputed police report implicates "concerns relating to an individual's control of information concerning his or

[10] "Where the purpose and language of a federal statute are substantially the same as that of a later state statute, interpretations of the federal statute are ordinarily persuasive." *Faulk v. State's Att'y for Harford County*, 299 Md. 493, 506 (1984). In *Faulk*, the Supreme Court of Maryland observed that the language of what is now § 4-351 was "virtually identical to the language of its federal counterpart," and that FOIA and the PIA both evinced a "basic policy . . . in favor of disclosure." *Id.*

her person," and "keeping personal facts away from the public eye."[11] *Lahr*, 569 F.3d at 974. Given these privacy interests, we turn to "the public interest in government openness that would be served by disclosure," *id.* at 973, as asserted by the complainant, 77 Md. Op. Att'y Gen. at 185. In his reply, the complainant is rather explicit in his purpose: He wants the redacted information so that he can pursue charges against the complaining witness for making what the complainant contends are false allegations against him. Courts have found such stated interests insufficient in the context of § 552(b)(7)(C). *See, e.g.*, *Sakamoto v. United States Env't Prot. Agency*, 443 F.Supp.2d 1182, 1197 (N.D. Cal. 2006) (concluding, in a case where a requester "expressly acknowledge[d] that she want[ed] the discrimination complaint files to use as possible evidence in her employment discrimination case," that such interest was "not a significant public interest warranting disclosure of private information").

To the extent that the complainant alleges that the EPD acted improperly in handling the complaining witness's allegations, disclosure of the redacted information, would not seem to provide a "better understanding" of how the EPD "is functioning or what it is up to," *Immanuel*, 449 Md. at 95, or "shed light on [the EPD's] performance of its statutory duties," *Lahr*, 569 F.3d at 974. Easton did not redact any information related to the police officers who responded and stopped the complainant, nor did it redact any statements made by the witnesses—information that is far more likely to provide insight as to how the EPD handled the situation. In short, we find no "nexus between the specific requested information"—i.e., the personal and identifying information of the witnesses involved in the incident addressed in the police report—and "unveiling agency misconduct." *Id.* at 978. Thus, on balance, we cannot find that Easton incorrectly determined that the interest in avoiding an "unwarranted invasion of personal privacy" outweighs the interest in disclosure of the redacted information—even to a person in interest. We therefore conclude that Easton did not violate the PIA by redacting the witnesses' personal and identifying information from the police report before releasing it to the complainant. Rather, Easton denied inspection "only to the extent that inspection would . . . constitute an unwarranted invasion of personal privacy." § 4-351(b)(3).

Having concluded that Easton did not improperly apply § 4-351(b)(3), we do not consider whether Easton may also withhold the redacted information under § 4-351(b)(7)—i.e., whether disclosure to the complainant would "endanger the life or physical safety of an individual."

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[11] We recognize, as the U.S. Supreme Court has, that "[i]n an organized society, there are few facts that are not at one time or another divulged to another." *Reporters Comm.*, 489 U.S. at 763. It is undoubtedly true that much of the redacted witness information has, in some contexts and to varying degrees, been shared with others. However, the "compilation of otherwise hard-to-obtain information [may] alter[] the privacy interest implicated by disclosure of that information." *Id.* at 764.

Conclusion

Based on the limited information provided by the complainant, we conclude that Easton's response to the complainant's **first PIA request** did not violate the PIA. The complainant has not provided any information about how he believes the responsive video was edited, or what footage is missing. Regarding the complainant's **second PIA request**, we conclude that § 4-351(b)(1) justifies Easton's discretionary withholding of the responsive police body worn and dash camera footage at this point in time because the footage relates to an open and ongoing investigation into allegations of misconduct that the complainant has lodged against the officers. Finally, as to the complainant's **third PIA request**, we conclude that Easton has not demonstrated that § 4-351(b)(4) and (d) justify redaction of the witness information in the disputed police report. However, because Easton permissibly concluded that disclosure of the redacted information would "constitute an unwarranted invasion of personal privacy," Easton properly invoked § 4-351(b)(3). In light of that conclusion, we do not consider whether application of § 4-351(b)(7) might also be appropriate.

Public Information Act Compliance Board

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