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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 25-63

May 20, 2025

Anne Arundel County Police Department, Custodian
Raymond Kovacsics, Complainant

In March of 2024, complainant Raymond Kovacsics sent a Public Information Act (“PIA”) request asking for, among other things, video camera footage taken in Fort Smallwood Park on March 26, 2024, the day that the Francis Scott Key Bridge collapsed. The request was denied under § 4-351,¹ the PIA’s exemption for certain law enforcement investigatory records, after the Anne Arundel County Police Department (“AACPD”) advised that the footage was part of an active investigation into the bridge collapse. The complainant sent the same PIA request again about six months later, in November, and the AACPD denied the request on the same grounds as before. In this complaint, the complainant alleges that the AACPD has improperly denied inspection of the video footage. In response to the complaint, counsel for the AACPD maintains that the AACPD appropriately applied § 4-351 because disclosure of the footage is not in the public interest, asserting that disclosure would interfere with and prejudice the active investigation currently being conducted by multiple law enforcement agencies. Although not without some hesitation, we find no violation of the PIA. We explain in more detail below.

Background

On March 26, 2024, at about 1:30 a.m., a containership struck a supporting pier of the Francis Scott Key Bridge in Baltimore, causing the bridge to collapse, killing six maintenance crew workers who were on the bridge at the time. Later that day, the complainant sent a PIA request directed to the Anne Arundel County Department of Recreation and Parks (“AACDRP”) asking for, among other things, “Fort Smallwood Park entrance building camera footage” and “Fort Smallwood Park boat launch camera footage,” all taken on March 26, 2024, from 12:00 a.m. to 11: 59 p.m.² Counsel in the

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

² The Francis Scott Key Bridge passed primarily through Baltimore County and Baltimore City. Fort Smallwood Park is in Anne Arundel County, located along the Patapsco River southeast of the site of the bridge collapse. See Anne Arundel County Maryland, Fort Smallwood Park, <https://www.aacounty.org/recreation-parks/parks/fort-smallwood-park> (last visited May 20, 2025).

County Office of Law responded, on April 9, 2024, on behalf of both the AACPD and the AACDPR, explaining that the records involved both departments. Counsel denied the complainant's PIA request, citing § 4-351. Counsel stated that the responsive footage was "part of an open investigation being conducted by MDTA (Maryland Transportation Authority) with cooperation from the County," and that MDTA directed the AACPD to "preserve the requested video footage until MDTA is able to review and evaluate the footage in connection with their on-going investigation of the bridge collapse." The AACPD took the position that disclosure was not in the public interest because it would "inhibit the agencies from effectively cooperating to ensure swift resolution to the investigation which implicates the safety and well-being of numerous citizens affected by the incident."

Two weeks later, on April 23, 2024, the complainant responded and asked whether the footage he requested would be released after the investigation concluded and, if so, how he could get a copy of the footage. Counsel responded that it was "possible" the footage would be released once the investigation was closed, but that the status of the investigation was only one of the factors considered when deciding whether to release records. Counsel recommended that the complainant follow up "at a later date with a new request for the video footage." Thus, on November 12, 2024, the complainant sent an email asking: "Can I get the footage now? It has been many months since the event."

Counsel for the AACPD responded to the complainant's second request for the Fort Smallwood Park video footage by letter dated November 19, 2024. The AACPD continued to deny inspection of the video footage, stating that the records were "part of an open investigation being conducted by federal government agencies with cooperation from the County." Counsel advised that, after it received the complainant's most recent PIA request, the AACPD "inquired with several federal contacts" and was "specifically directed by the FBI to continue to preserve and withhold any video footage as part of their on-going investigation of the bridge collapse." For the same reasons as stated previously, the AACPD asserted that inspection of the video footage would be contrary to the public interest.

The complainant was dissatisfied with the AACPD's response to his PIA request, so he contacted the Public Access Ombudsman.³ After the Ombudsman issued a final determination stating that the dispute was not resolved, the complainant filed this complaint with our Board. The complainant challenges the AACPD's denial of his PIA request, arguing that he has a "right to view this footage," as his "tax dollars paid for the cameras,

³ 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 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. § 4-1A-05(a).

employees, and the lease on the park itself.” Noting that “this is an event of national significance,” and “[c]onsidering that lives were lost and others changed forever,” the complainant contends that “the people deserve to know what happened that day.” The complainant suggests that “[k]eeping this footage hidden stokes the conspiracy theory flames and sows distrust in government,” and that the footage “is needed for closure.”

In response to the complaint, counsel for the AACPD defends the AACPD’s denial of inspection of the video footage under § 4-351(a). Counsel asserts that inspection is contrary to the public interest because “there is an active law enforcement investigation being conducted by multiple law enforcement agencies” and that disclosure of the footage would “interfere and prejudice” that active investigation. Referring to the complainant’s arguments for disclosure as “broad and idealistic,” counsel for the AACPD contends that the complainant “makes no specific allegations of why releasing the footage prior to the completion of the investigation would be in the public interest.” Without such allegations, counsel asserts, the AACPD’s decision to deny inspection should be upheld.

The AACPD states that, after the complainant sent his “renewed” PIA request in November 2024, the AACPD “did not immediately deny the request,” but instead “reached out to the investigators to discuss release of the footage.” Counsel represents that the AACPD’s contact at the FBI asked that the AACPD “continue to preserve and withhold the footage as it is part of an ongoing investigation.” Counsel for the AACPD acknowledges that “the FBI is not technically one of the enumerated agencies” in § 4-351(a) but argues that “this type of investigation is in the spirit of what the legislature was trying to protect.” Moreover, counsel contends, the video footage of the bridge collapse falls within the scope of § 4-351(a)(2) because “the FBI’s request to preserve the video and withhold it from release would indicate that [the investigatory file containing the footage] was compiled for a law enforcement purpose.”

Broadly, counsel for the AACPD observes that the bridge collapse was “a serious incident that resulted in investigations from several different federal, state, and local agencies,” many of which are “still ongoing with limited information released to the media.” Counsel argues that it is “important for custodians in this situation to rely on the expertise of the investigating agencies and preserve and withhold documents per the instructions of the investigating agencies.” Counsel further argues that the principles of transparency and trust in government that the complainant’s invokes were considered by the General Assembly when it enacted § 4-351, noting that the Legislature “still carved out this exception to protect ongoing law enforcement investigations from being disrupted by releasing information too quickly.”

In reply, the complainant states that he is “also requesting the [C]ounty’s communications with the FBI over this matter.” The complainant suggests that “emails/texts were exchanged to establish the idea that the public cannot have this footage,”

and that he would “like to know when, who, and what was said.” The complainant states that the “log/chain of emails/texts would suffice.”⁴

Analysis

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). When we receive a complaint, we forward that complaint to the relevant custodian or applicant⁵ and ask for a written response. § 4-1A-06(a). If the parties’ submissions do not provide enough information for us to resolve the complaint, we may ask for additional information. § 4-1A-06(b)(2). After review of all the submissions, if we determine that a custodian has denied inspection of a public record in violation of the PIA, we must “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(3)(i).

The PIA reflects the general principle that “[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). Hence, under § 4-201(a), a custodian generally must “allow a person or governmental unit to inspect any public record at any reasonable time.”⁶ But, the PIA does not permit “complete *carte blanche*, unrestricted disclosure of all public records.” *Immanuel v. Comptroller*, 449 Md. 76, 88 (2016). Rather, § 4-201(a) provides for inspection of public records “[e]xcept as otherwise provided by law.” Thus, the PIA contains exemptions from disclosure, which are provisions that either require or allow a custodian to deny inspection of certain records or information. *See, e.g.*, § 4-311 (mandatory exemption for personnel records); § 4-329 (mandatory exemption for medical or psychological information about an individual); § 4-351 (discretionary exemption for certain law enforcement records). When, as here, the applicable exemption is discretionary, a custodian may deny inspection only to the extent that inspection would be “contrary to the public interest.” § 4-343. When challenged, a custodian has the burden of justifying a decision to deny inspection of a public record. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

⁴ To the extent that this is a PIA request to the AACPD, we only note, as we have before, that typically “the Board complaint process is not a useful forum in which to submit a PIA request.” PIACB 25-30, at 4 n.9 (Feb. 20, 2025).

⁵ Under § 4-1A-04(b), custodians may file complaints alleging that a PIA request or pattern of requests is “frivolous, vexatious, or in bad faith.” As with complaints from PIA requesters, a custodian must attempt to resolve the dispute through the Ombudsman before filing such a complaint. § 4-1A-05(a).

⁶ A separate section of the PIA, § 4-205(b), governs copies of public records and provides that, “if an applicant who is authorized to inspect a public record requests a copy, printout, or photograph of the public record,” the custodian generally must provide one.

Section 4-351(a) permits a custodian to deny inspection of “records of investigations conducted by the Attorney General, a State’s Attorney, a municipal or county attorney, a police department, or a sheriff” and records from “an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose” if inspection would be “contrary to the public interest.” §§ 4-343, 4-351(a)(1) and (2). Under subsection (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 specified harms to occur, e.g., interference with “a valid and proper law enforcement proceeding” or disclosure of “the identity of a confidential source.” § 4-351(b)(1) and (4). When, as here, the requester is not a person in interest,⁷ a custodian may deny inspection 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). However, the harms listed in § 4-351(b) certainly “also justify withholding a record from a requester who does not qualify as a ‘person in interest.’” 92 Md. Op. Att’y Gen. 26, 42 (2007). While ordinarily a “particularized factual basis for the ‘public interest denial’” is required, in cases where an investigation is open and ongoing, “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.’” *Randall Family*, 154 Md. App. at 566-67; *see also Blythe v. State*, 161 Md. App. 492, 538 (2005) (explaining that, when cases are open and pending, a custodian may “show that disclosure would constitute interference generically, rather than having to show particularized interference”).

With this general background, we turn to the AACPD’s application of § 4-351(a) to deny the complainant inspection of the responsive video footage. We were unable to resolve the complaint based on the complainant’s and counsel’s written submissions alone, so we asked the AACPD to provide an affidavit from a person with knowledge regarding the relevant investigation. *See* § 4-1A-06(b)(4). We also indicated that the affidavit should provide information about why the video footage that the complainant requested is part of the investigation.

In response to our request, the AACPD produced an affidavit from Christine Ryder, the custodian of records for the AACPD (“Ryder Affidavit”). After providing details regarding the AACPD’s process for responding to the complainant’s first PIA request, sent in March 2024, the Ryder Affidavit addresses the request at issue in this complaint—i.e., the request sent in November 2024. The Ryder Affidavit avers that, after receiving the complainant’s second PIA request for the Fort Smallwood Park video footage, she contacted Lieutenant Brian Carney—the Commander of the Homeland Security and Intelligence Unit with whom Ms. Ryder corresponded regarding the first PIA request for the footage—to “determine the status of any investigations associated with the requested

⁷ For purposes of the PIA, 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” or “if the person has a legal disability, the parent or legal representative of the person.” § 4-101(g).

video footage.” Lieutenant Carney contacted the MDTA police department, which in turn indicated that it would “inquire with numerous agencies including the Maryland State Police, National Transportation Safety Board, and the [FBI] regarding the status of the investigation.” The Ryder Affidavit states that, on November 15, 2025, “Lieutenant Brian Carney received a response directly from the FBI confirming they had an open investigation,” and that the FBI “specifically requested that the AAPD continue to withhold the video footage of the bridge collapse that they previously asked the AAPD to preserve.”

The Ryder Affidavit also notes that “[a]s of the date of this affidavit, the footage has not been released to any non-investigative party due to the ongoing nature of the federal investigation.” According to the affidavit, the footage depicts “the Key Bridge collapse and the first responder rescue efforts throughout the incident,” and thus the footage is “relevant to any investigation into the matter.”

With this additional information in mind, we first consider whether the AACPD has met its burden to show that § 4-351(a) is implicated in the first place. Section 4-351(a)(1) applies to “records of investigations conducted by the Attorney General, a State’s Attorney, a municipal or county attorney, a police department, or a sheriff.” As the AACPD appears to concede, the Fort Smallwood Park video footage is not a record of *the AACPD’s* investigation into the bridge collapse, as it does not seem that the AACPD is the relevant investigating authority. Rather, as the Ryder Affidavit confirms, the video footage is part of the FBI’s investigation. Thus, it seems to us that § 4-351(a)(1) does not apply, although § 4-351(a)(2) might. That section permits denial of inspection of “an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose.” § 4-351(a)(2). Given that the FBI is a law enforcement agency, this subsection may be implicated so long as the AACPD can demonstrate that there was a legitimate “investigative proceeding” in place and that the footage is part of the file compiled for that investigation. *See Fioretti v. Maryland State Bd. of Dental Examiners*, 351 Md. 66, 82 (1998). After review of the facts detailed in the Ryder affidavit, we are satisfied that the video footage falls within the scope of § 4-351(a)(2).

The inquiry does not end there, however. To deny inspection of the video footage under § 4-351(a)(2), the AACPD must demonstrate that inspection would be “contrary to the public interest.” § 4-343. Here, the status of the investigation is important. Although the complainant is not a person in interest entitled to a higher degree of access to the footage, the AACPD ordinarily must provide a “particularized factual basis” as to why his inspection of the footage would not be in the public interest. *Randall Family*, 154 Md. App. at 567. However, as noted above, evidence that an investigation is open and ongoing is generally sufficient for a custodian to meet its burden as to why inspection of records concerning that open investigation is contrary to the public interest. *See id.* at 566; *Blythe*, 161 Md. App. at 538. The AACPD asserts that the FBI’s investigation is open and ongoing, thus the question is really whether the AACPD has provided enough evidence that this is the case.

Based on the Ryder Affidavit, it appears that at the time of the complainant's PIA request—November 2024—the FBI investigation was active and ongoing, and that the Fort Smallwood Park video footage was part of that investigation. According to news reports, the FBI's investigation began shortly after the bridge collapse, in April 2024. See Dan Belson & Sam Janesch, *Key Bridge Investigation: Maryland Didn't Assess Risks of Bridge Collapse, NTSB Says*, Balt. Sun, Mar. 20, 2025 (reporting that “the FBI also boarded the Dali last April for what appeared to be a separate investigation into possible violations of federal criminal laws, also boarding a similar ship months later”). Thus, it is hard to conclude that the AACPD's denial of inspection *at that time*—i.e., in November of 2024—violated the PIA. See PIACB 25-17, at 7-8 (Dec. 9, 2024) (finding no violation where the custodian's affidavit provided sufficient evidence that the investigation was open and ongoing at the time of the signing of the affidavit); see also PIACB 23-19, at 5 (May 30, 2023) (finding no violation where the custodian's affidavit stated that relevant investigation, initiated in 2017, was still open and contemporary news reports corroborated that statement). Because the FBI's investigation was open and the Fort Smallwood Park video footage was part of that investigation, no further “detailed explanation,” see *Randall Family*, 154 Md. App. at 566, was necessary beyond the AACPD's representation that disclosure would “inhibit the agencies from effectively cooperating to ensure proper resolution to the investigation which implicates both the economic and physical safety and wellbeing of numerous citizens affected by the incident”—i.e., disclosure would “interfere with a valid and proper law enforcement proceeding,” § 4-351(b)(1).

We do, however, have some concerns about the AACPD's apparent continued denial of the video footage. First, more than six months have passed since the complainant's second PIA request for the footage. While the Ryder affidavit provides details about the status of the FBI's investigation in November 2024, it does not provide information about more recent communication, if any, regarding the current status of that investigation but instead avers that “the footage has not been released to any non-investigative party due to the ongoing nature of the federal investigation.” Moreover, based on recent news reports, it appears that the active investigations into the bridge collapse are beginning to wind down. See, e.g., Belton, *supra*. In fact, one article, written in March of this year, reports that the National Transportation Safety Board (“NTSB”) “would release over 1,000 documents related to its investigation of [the] collapse over the past year.”⁸ *Id.* It may also be that, with the change in administration, the FBI's investigation could take a different turn. See Katie Mettler et al., *White House Purge Hits Md.*, Wash. Post, Feb. 14, 2025, at B01 (reporting that the new U.S. Attorney for the District of Maryland “will oversee any criminal prosecution of those responsible for the collapse of Baltimore's Key Bridge,” and noting that the “FBI has opened a probe into the tragedy”). Finally, we note the Supreme Court of Maryland's observation that the General Assembly “clearly did not

⁸ We note that there are already many records publicly available through the NTSB's online docket for the investigation. See Nat'l Transp. Safety Bd., Docket DCA24MM031, <https://data.nts.gov/Docket/?NTSBNumber=DCA24MM031> (last visited Apr. 25, 2025).

intend for public agencies to avoid disclosure under the PIA by failing to conclude investigations.” *Fioretti*, 351 Md. at 91. While we do not suggest that such is the case here right now, we are nevertheless mindful that there may soon come a point at which the public interest in disclosure of this footage outweighs any minimal risk of harm to the investigation process.

Conclusion

Based on the submissions before us, we find no violation of the PIA at this time. However, should the complainant request the Fort Smallwood Park video footage in the future, our conclusion may be different without more detailed, first-hand information about the current status of any investigation involving the footage.

Public Information Act Compliance Board*

Sareesh Rawat, Chair

Samuel G. Encarnacion

Debra Lynn Gardner

Nivek M. Johnson

* Due to other obligations, Board Member Quinton M. Herbert did not participate in the resolution of this complaint.