

2021 JUL - 8 PM 2:54
MAGISTRATE CLERK
CIRCUIT COURT FOR
BALTIMORE CITY

INSTITUTE FOR CONSTITUTIONAL
ADVOCACY AND PROTECTION
Plaintiff

* IN THE
* CIRCUIT COURT

v.

* FOR
* BALTIMORE CITY

BALTIMORE CITY POLICE
DEPARTMENT

Defendant

* CASE No.: 24-C-21-000162

* * * * *

**Baltimore City Police
Department's Answer**

Defendant the Baltimore Police Department ("BPD"), through undersigned counsel and in accordance with MD Rules. Rule 2-322 answer the Plaintiff's Complaint. The lettered and numbered paragraphs below correspond to the identically lettered and numbered paragraphs in the Complaint.

Responses

1. The alllegations contained in paragraph 1 are legal conclusions to which no response is required. If a response is deemed required, the allegations therein are denied.
2. The alllegations contained in paragraph 2 are legal conclusions to which no response is required. If a response is deemed required, the allegations therein are denied.
3. The Defendant lacks knowledge sufficient to permit it to admit or deny. To the extent a response is required, the paragraph is denied.
4. The Defendant lacks knowledge sufficient for Plaintiff's rational for its MPIA request to permit it to admit or deny. To the extent a response is required, the

- paragraph is denied, except that Defendant did produce Policy 603 and provided the Plaintiff with an estimate for the cost of producing the responsive documents.
5. The allegations contained in paragraph 5 are legal conclusions to which no response is required. If a response is deemed required, the allegations therein are denied.
 6. The Defendant lacks knowledge sufficient to permit it to admit or deny. To the extent a response is required, the paragraph is denied.
 7. Defendant admits that it is the custodian of BPD's MPIA records but denies that it has an existing record that totals the number of fee waivers granted or denied.
 8. Defendant admits the allegations in paragraph 8.
 9. Defendant admits the allegations in paragraph 9.
 10. The allegations contained in paragraph 10 are legal conclusions to which no response is required. Additionally, the Defendant lacks knowledge sufficient to permit it to admit or deny the Plaintiff's rationale for its actions. To the extent a response is required, the paragraph is denied.
 11. Defendant admits the allegation in paragraph 11.
 12. Defendant admits the allegation in paragraph 12.
 13. The allegations contained in paragraph 10 are legal conclusions to which no response is required. To the extent a response is required, the paragraph is denied.
 14. The Defendant lacks knowledge sufficient to permit it to admit or deny. To the extent a response is required, the paragraph is denied.
 15. Defendant admits that it neither tracks estimated nor actual numbers of fee waiver requests.

16. Defendant admits that ICAP emailed BPD on January 4, 2021 to ask BPD to estimate the number of fee waiver requests that it gets on a monthly basis. Defendant admits that it neither tracks estimated nor actual numbers of fee waiver requests.
17. Defendant admits that the Plaintiff requested an estimate of the number of fee waiver requests BPD receives per month.
18. No response is necessary regarding paragraph 18.
19. Defendant admits the allegations contained in paragraph 19.
20. The allegations contained in paragraph 20 are legal conclusions to which no response is required. If a response is deemed required, the allegations therein are denied.
21. The allegations contained in paragraph 21 are legal conclusions to which no response is required. If a response is deemed required, the allegations therein are denied.

PRAYER FOR RELIEF

Plaintiff has not been subject to any unlawful actions by the Defendant, of any kind, in violation of any statutes or otherwise. WHEREFORE, Plaintiff is not entitled to any relief.

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.



Andrew Smullian
Deputy Chief of Staff
Baltimore Police Department
Legal Affairs
Document Compliance Unit
242 W. 29th Street
Baltimore Maryland, 21211

7/7/21
Date

Respectfully submitted,

James Shea
City Solicitor



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July, 2021, a copy of the foregoing was sent electronically to Mathew Zernhelt, Esquire (mzernhelt@baltimoreactionlegal.org) and Jennifer Safstrom, Esquire (jennifer.safstrom@georgetown.edu).



Kay N. Harding, Esq.