

**CIRCUIT COURT OF MARYLAND
MONTGOMERY COUNTY**

CASA DE MARYLAND, INC.,

Plaintiff,

v.

ANNE ARUNDEL OFFICE OF THE COUNTY
EXECUTIVE and ANNE ARUNDEL COUNTY
POLICE DEPARTMENT,

Defendants.

No. 303286-V

October 28, 2008

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY
RELIEF AND REQUEST FOR EXPEDITED REVIEW**

1. This is an action under the Maryland Public Information Act ("PIA"), Md. Code Ann., State Government ("SG") § 10-611 *et seq.*, for injunctive and declaratory relief to compel the production of records withheld from the Plaintiff by the Anne Arundel County Office of the County Executive and the Anne Arundel County Police Department (collectively, "Defendants").

2. Plaintiff seeks to compel the release of records on a matter of great public concern, namely, Defendants' participation in an immigration raid in and around Annapolis, Maryland. Public statements by Anne Arundel County Executive John R. Leopold indicate that some fifty (50) Anne Arundel County police officers participated in the raids on the offices of Annapolis Painting Service, Inc., and fifteen area homes in the pre-dawn hours of June 30, 2008. In addition to the arrests of approximately forty-five individuals for alleged civil immigration violations, the raids have resulted in widespread allegations of grave constitutional rights'

RECEIVED

OCT 29 2008

Clerk of the Circuit Court
Montgomery County, Md.

violations by the law enforcement officers involved, including entering homes without warrants, exigent circumstances or the consent of the occupants; detentively interrogating individuals without reasonable suspicion of unlawful immigration status; engaging in racial profiling; failing to advise arrestees of their rights during custodial interrogation; and needlessly and maliciously destroying property.

3. Although both Anne Arundel County Executive John R. Leopold and officials from the Anne Arundel County Police Department provided public comment on the perceived purposes of the operation and opined on the need for “cracking down” on undocumented immigration, both refused comment on the tactics used during the raid. See, e.g., Elisabeth Hulette, Tactics Questioned in Immigration Raids,” The Capitol (Annapolis), July 9, 2008, at A1.

4. In order to better inform the public debate, Plaintiff requested records from both Defendants regarding their participation in the immigration raid. And although records from the United States Postal Service indicate that the PIA requests were delivered and signed for by Defendants, to date, Defendants have failed to even acknowledge their receipt, much less fulfill their obligations under the PIA to provide responsive records.

PARTIES & JURISDICTION

5. Plaintiff CASA de Maryland, Inc. (“CASA”), is a non-profit, community based organization focusing on the social, economic and political conditions of the immigrant community in Maryland. Founded in 1985, CASA has programs in employment placement, vocational training, financial literacy, job development, English-language instruction, citizenship classes, legal services, health outreach and education, health information services, social

services, and community organizing and advocacy. CASA has offices throughout the state of Maryland, but its principal office and place of business is in Silver Spring, Maryland.

6. Defendant Anne Arundel Office of the County Executive is a unit or instrumentality of Anne Arundel County. SG § 10-611(g)(1)(i). Defendant either maintains physical custody and control over, or is responsible for keeping, the public records which are the subject of this action, and is therefore a “custodian”, as defined by SG §§ 10-611(c). The records sought through this action are copies of documentary material made or received by the Defendant in connection with the transaction of public business; accordingly, they are “public records”, as defined in SG § 10-611(g).

7. Defendant Anne Arundel County Police is a unit or instrumentality of Anne Arundel County. SG § 10-611(g)(1)(i). Defendant either maintains physical custody and control over, or is responsible for keeping, the public records which are the subject of this action, and is therefore a “custodian”, as defined by SG §§ 10-611(c). The records sought through this action are copies of documentary material made or received by the Defendant in connection with the transaction of public business; accordingly, they are “public records”, as defined in SG § 10-611(g).

8. CASA made written application to each Defendant to inspect public records of which each was the custodian, pursuant to SG § 10-614(a).

9. The Defendants, in failing to respond to the requests within thirty (30) days after their receipt, constructively denied CASA its right to inspect the public records. SG § 10-614(b).

10. This Court has jurisdiction pursuant to SG § 10-623(a)(1).

11. Plaintiff respectfully requests proceedings in this action be “expedited in every way,” and a hearing “at the earliest practicable date” in accordance with SG § 10-623(c).

STATEMENT OF FACTS

12. On June 30, 2008, approximately fifty (50) Anne Arundel County police officers assisted approximately seventy-five (75) agents of the federal Immigration and Customs Enforcement in raiding the offices of Annapolis Painting Services, Inc., and approximately fifteen homes in and/or around Annapolis, Maryland.

13. By letters dated September 17, 2008, CASA made written applications to obtain copies of public records from each Defendant regarding the raid.

14. The PIA requests sent to each Defendant was sent via United States Postal Service ("USPS") certified mail, with a return receipt requested.

15. According to the return receipt, the PIA request CASA sent to the Anna Arundel Police Department was delivered and signed for on September 19, 2008.

16. According to the return receipts, the PIA request CASA sent to the Anna Arundel Office of the County Executive was delivered and signed for on September 22, 2008.

17. With the exception of the two USPS return receipts, to date, CASA has not received any communication regarding either of the PIA requests at issue in this Complaint.

18. The Plaintiff has no plain, speedy, and adequate remedy at law, other than the relief sought in this Complaint.

FIRST CLAIM FOR RELIEF

Violations of the Maryland Public Information Act (Defendant Anne Arundel Office of the County Executive)

19. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 18 as if repeated and reincorporated herein.

20. Defendant Anne Arundel Office of the County Executive violated Plaintiff's right under SG § 10-612(a) "to have access to information about the affairs of government and the official acts of public officials and employees."

21. Defendant Anne Arundel Office of the County Executive violated the PIA by refusing to "permit a person or governmental unit to inspect any public record at any reasonable time" under SG § 10-613(a)(1).

22. Defendant Anne Arundel Office of the County Executive violated the PIA by failing to provide a decision on Plaintiff's PIA request "promptly, but not to exceed 30 days after receiving the application." SG § 10-614(b)(1).

SECOND CLAIM FOR RELIEF
Violations of the Maryland Public Information Act
(Defendant Anne Arundel County Police Department)

23. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 22 as if repeated and reincorporated herein.

24. Defendant Anne Arundel County Police Department violated Plaintiff's right under SG § 10-612(a) "to have access to information about the affairs of government and the official acts of public officials and employees."

25. Defendant Anne Arundel County Police Department violated the PIA by refusing to "permit a person or governmental unit to inspect any public record at any reasonable time" under SG § 10-613(a)(1).

26. Defendant Anne Arundel County Police Department violated the PIA by failing to provide a decision on Plaintiff's PIA request "promptly, but not to exceed 30 days after receiving the application." SG § 10-614(b)(1).


REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Order Defendants to disclose the requested records and to make copies available to Plaintiff;
3. Provide for expeditious proceedings in this action;
4. Award Plaintiff litigation costs and reasonable attorneys' fees in this action as provided by SG § 10-623(f).
5. Grant any other relief this Court deems just and appropriate.

Respectfully submitted,

Dated: 10/28/08
Silver Spring, Maryland


Kerry O'Brien, Esq.
CASA de Maryland, Inc.
734 University Blvd. E.
Silver Spring, MD 20910
T: (301) 431-4185 x217
F: (301) 431-4179
kobrien@casamd.org

Counsel for Plaintiff