

MEMORANDUM OF AGREEMENT
BETWEEN
MONTGOMERY COUNTY GOVERNMENT
AND
FRATERNAL ORDER OF POLICE
MONTGOMERY COUNTY LODGE 35, INC.

Pursuant to the changes to the Maryland Public Information Act (MPIA) by Maryland Senate Bill 0178, Maryland Police Accountability Act of 2021, Montgomery County Government (Employer) and Fraternal Order of Police, Montgomery County Lodge #35, Inc. (Union), agree to the following matters regarding the release of bargaining unit member internal affairs files:

1) Within two (2) business days of an MPIA request for a bargaining unit member's internal affairs file, the Employer shall notify the bargaining unit member and the Union of such request. All MPIA requests for a bargaining unit member's internal affairs file will be maintained in a log, which may be inspected at any time by the Union.

2) Once the request is approved and the Employer notifies the requesting party of its intent to release a bargaining unit member's internal affairs file, the Employer shall notify the bargaining unit member and the Union. Upon completion of the final production of records to be released per the MPIA request and at least ten (10) business days before the release, the Employer will provide the bargaining unit member and/or the Union with a copy of the final production. In the event the Employer intends to release any body-worn camera video or mobile car video in connection with the bargaining unit member's internal affairs file, the bargaining unit member shall have access to the video through the employer's video database (currently evidence.com or download for Panasonic camera video). Upon inspecting the material to be released, the bargaining unit member or the Union may notify the Employer of an objection and the intent to file a "reverse MPIA." The bargaining unit member and/or the Union shall file a "reverse MPIA" no later than ten (10) business days from receiving a copy of the final production. The Employer will then hold the file production until the action is ruled on. The parties will make all reasonable efforts to provide each other with an expeditious notice under this agreement given the relatively short time limits in the MPIA and its overall policy of providing the public with prompt access to public records without unnecessary delay.

3) The Employer shall ensure the redaction of all personal information described in Senate Bill 0178 to include but not limited to bargaining unit members' photographs, medical information, personal contact information, or information related to their family.

[Signature page to follow]

For the County:

 2/1/2022

Marc Elrich
County Executive

For FOP Lodge 35:

 1/21/22

Lee Holland
President

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Richard Madaleno
Chief Administrative Officer

 1/24/22

Jennifer Harling
Chief Labor Relations Officer

Approved as to form and legality
Office of County Attorney

 1/24/22

Edward E. Haenftling, Jr.
Associate County Attorney