



Federal Judge Denies Attempt to Dismiss Illegal Arrests Lawsuit; Affirms Right of Wronged Individuals to Have Their Day in Court

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A judge today upheld the right of individuals caught in the dragnet of illegal arrests in Baltimore City to have their day in court. U.S. District Court Judge Catherine Blake summarily denied the City's attempt to have the plaintiffs' claims of unlawful arrest thrown out. As the judge put it, "The claims plainly are sufficient to survive a . . . motion [to dismiss]."

"We are heartened that our clients, who have been grossly mistreated and wrongfully arrested, will be able to tell their stories in court and hopefully get the justice they deserve," said ACLU of Maryland Legal Director Deborah A. Jeon. "The ACLU calls on city officials to end their legal maneuvering and focus on effective and aggressive law enforcement strategies that respect the rights of all people who live in and visit the city."

The judge also denied the defendants' attempt to have all claims against the Mayor, the City, and the Baltimore City Police Department dismissed, finding that they had in fact conceded that the plaintiffs could pursue their claims for a court order barring the illegal arrest practices.

"The time has come to end the illegal arrests and restore justice and the rule of law in Baltimore City," said Marvin "Doc" Cheatham, president of the Baltimore City Branch of the NAACP. "We cannot tolerate innocent people being left with arrest records that make it harder for them to find good jobs and a decent place to live."

The court also denied the defendants remaining motions by the City, seeking to block class certification and to ask the Maryland Court of Appeals to decide whether the City's loitering law was constitutional, finding that they had been filed prematurely, before any discovery had taken place, and before the plaintiffs had even sought to have the class certified.

In June 2006, the ACLU-MD and the NAACP filed a lawsuit challenging the Baltimore City Police Department's pattern and practice of illegally arresting tens of thousands of individuals each year who are not and cannot be prosecuted. The suit charged that both city and state officials should be held responsible for gross violations of rights, which continue when arrestees taken into custody at the state-controlled Central Booking facility and subjected to illegal strip searches. The two organizations also offered the City

and the BCPD concrete proposals for reform to help ensure effective law enforcement for residents without violating their rights.

Plaintiffs in the case include the State NAACP Conference, the City NAACP, and several individuals who have had their rights violated when they were illegally arrested by Baltimore City police officers, detained for as long as 54 hours, and then released without any charges being pursued against them.

ACLU-MD and NAACP contend that under a pattern and practice set and enforced by city officials, Baltimore police officers arrest individuals without probable cause, in violation of the U.S. Constitution and the Maryland Declaration of Rights. To encourage this pattern and practice, the BCPD rewards police officers who make more arrests and punishes officers who make fewer arrests, regardless of the number or success of resulting prosecutions.

When State officials receive these arrestees for processing at Central Booking, they compound the problem by conducting strip searches of male arrestees without probable cause or individualized suspicion that they are carrying weapons or contraband, which also violates the U.S. Constitution and the Maryland Declaration of Rights. The strip searches are also conducted in front of other detainees. In addition, the volume of arrests by the BCPD has caused Central Booking to detain many arrestees beyond the statutory time limit of 24 hours before presentment or release, in overcrowded and filthy conditions.

Defendants in the lawsuit include the State, State Corrections and Pretrial Detention officials, who run Central Booking, as well as the City of Baltimore, City and Police officials.

Plaintiffs are represented by ACLU cooperating counsel from the law firm Gibson, Dunn & Crutcher LLP, including partners Mitch Karlan and Wayne Schrader and associates Daniel Cantu, Dave Wharwood, Jan Geht, Jason Mendrow, Jason Morrow, Sue Banerjee, and Bennett Borden; and by ACLU-MD lawyers Deborah A. Jeon and David Rocah.

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