



ACLU, NAACP File Class Action Lawsuit Over Illegal Arrests in Baltimore City; Propose Remedy Plan to Help Fix Rights Violations

MEDIA RELEASE:

June 15, 2006

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Calling 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 a gross violation of rights, the American Civil Liberties Union of Maryland and the NAACP today filed a class-action lawsuit challenging the practice and offering concrete proposals for reform. The lawsuit, filed in Baltimore City Circuit Court, targets both city and state officials for their roles in making illegal arrests and mistreating arrestees taken into custody at Central Booking.

Along with the legal filing, ACLU-MD, NAACP, and co-counsel Gibson, Dunn & Crutcher LLP are releasing a remedy plan to help ensure effective law enforcement for residents without violating their rights.

"Despite the patently unconstitutional and illegal nature of this conduct and its detrimental effects on the Baltimore residents whom the laws are supposed to protect, city officials have refused to end this practice, and the rights violations are continuing in the state's central booking facility," said Deborah Jeon, Legal Director of the ACLU of Maryland. "The time has come to rein in this abuse of power and stop these unconstitutional and illegal acts. The ACLU and NAACP offer solutions and seek to work with the City and State to remedy these serious violations of 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.

"The NAACP is all for aggressive law enforcement," said Jenkins Odoms, president of the Maryland State Conference of NAACP Branches. "But last year nearly a third of the 76,000 individuals arrested in Baltimore City -- more than 25,000 people -- were released without charge. This is not effective law enforcement."

Marvin "Doc" Cheatham, president of the Baltimore City Branch of the NAACP, said: "Innocent people are getting caught in the dragnet and their arrest records will follow them for the rest of their lives. An

arrest record seriously affects your ability to get jobs and housing, which already is a big challenge for so many people here in the City of Baltimore.”

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 visual body cavity and 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.

“These unconstitutional and wrongful acts degrade, humiliate, and cause grave harm to their victims,” said Mitchell Karlan, partner with Gibson, Dunn & Crutcher, LLP. “They suffer the humiliation of being hauled away in handcuffs in front of friends, family, or neighbors. Then, they are released without charges – often because the police had no right to arrest them in the first place.”

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 Mitch Karlan, New York partner at Gibson, Dunn & Crutcher LLP, along with D.C. partner Wayne Schrader and D.C. associates Daniel Cantu, Scott Dodson, Jason Morrow and Jan Geht, and by ACLU-MD lawyers Deborah A. Jeon and David Rocah.

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