



ACLU Blasts Baltimore Police for Ignoring Requirements Of New Expungement Law

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CONTACT:

Meredith Curtis, ACLU-MD

410-889-8555 or media@aclu-md.org

Alarmed to learn that individuals who have been arrested and then released without charge by the Baltimore City Police are being given misinformation by the police department regarding the expungement process, the American Civil Liberties Union of Maryland today took action to ensure that the Department complies with the law. The ACLU demanded in writing that BCPD immediately cease telling those properly seeking an expungement of their records that – despite the October 1, 2007 change in the law eliminating the waiver provision – they still must waive their rights to challenge an illegal arrest in order to secure an expungement.

“Our clients have been waiting for years to remove the stain of illegal arrests from their records, fearing that they will lose the chance to get good jobs and good places to live,” said ACLU of Maryland Staff Attorney David Rocah. “That is why ACLU helped to win a measure of justice during the last legislative session for the tens of thousands of people who have been wrongfully arrested by Baltimore police. But our clients’ rights, and the rights of many other innocent people, have been violated once again because the Baltimore City Police Department is failing to comply with the law.”

From January through August of 2007 (the last date for which data is publicly available), approximately 21% of those persons arrested without a warrant by the Baltimore Police Department have been released without charge.

During the 2007 session of the General Assembly, tens of thousands of persons arrested but not prosecuted were finally liberated from the permanent taint a groundless arrest left on their records. Such a record can seriously affect an individual’s ability to get a job, get credit, and get housing. The Maryland ACLU helped to pass HB 10, a state law that took effect on October 1, 2007, requiring automatic expungement of the arrest record for those who are released without charge. Thanks to ACLU’s lobbying, the bill also changed the prior expungement statute to ensure that persons arrested and released without charge prior to October 1, 2007 can obtain an expungement without any fee, and without waiving any rights, though they do have to submit an application. ACLU clients are among those who have filed applications seeking expungement.

In June 2006, the ACLU filed a class-action lawsuit, *NAACP v. BCPD*, challenging the arrest practices of the Baltimore police. The lawsuit targets both city and state officials for their roles in making illegal arrests and mistreating arrestees taken into custody at Central Booking. Plaintiffs in the case include the Maryland State Conference of NAACP Branches, the Baltimore City Branch of the 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. That lawsuit is currently in discovery.

Go to ACLU-MD’s website to learn more about the illegal arrests lawsuit:

http://www.aclu-md.org/aPress/Press%202006/061506_BCPD.html

AMERICAN CIVIL
LIBERTIES UNION OF
MARYLAND FOUNDATION
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838
WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
ELLIOTT ANDALMAN
PRESIDENT

SUSAN GOERING
EXECUTIVE DIRECTOR

C. CHRISTOPHER BROWN
GENERAL COUNSEL

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