

# Baltimore police win lawsuit against union over civilian oversight

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The Baltimore Sun investigative reporter Catherine Rentz takes a look at Baltimore Civilian Review Board oversight compared to other review boards around the nation.



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The Baltimore Sun

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Judge dismisses police union lawsuit seeking to prohibit sharing of internal affairs files.

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**A** judge dismissed a lawsuit Friday filed by the Baltimore police union that sought to block the Police Department from sharing internal affairs files with a civilian oversight board.

The Fraternal Order of Police Lodge 3, the union representing Baltimore police officers, filed the lawsuit against the department and the Civilian Review Board this past spring. In the suit, the union argued that the police internal affairs unit had no legal right to share its investigatory files with the Civilian Review Board, which reviews citizen complaints about police.

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"It was a groundless and frivolous case," said Suzanne Sangree, a Baltimore City attorney who represented the civilian board. "The Police Department will continue to work with the Civilian Review Board to ensure complaints are investigated and that appropriate action is taken."

Aaron Nichols, a lawyer representing the FOP, argued that state statutes, including the Law Enforcement Officers' Bill of Rights and the Maryland Public Information Act, prohibit release of such investigatory files to the board.

Sangree noted, however, that the board was established, in part, to review such files, and that state lawmakers who established the board did so knowing that it would not conflict with the earlier state statutes. She pointed out that the state attorney general's office had determined that the new board's duties would not conflict with the Law Enforcement Officers' Bill of Rights.

An injunction barring the sharing of files "would render the Civilian Review Board completely ineffective," Sangree argued.

Baltimore Circuit Judge Jeffrey M. Geller agreed with Sangree, finding no basis for the union's complaints.

Nichols and FOP officials declined to comment on the decision.

Kisha Brown, director of the Civilian Review Board, said the FOP should back the board's mission.

"It is our hope that the FOP will now focus their efforts on supporting fair and effective police accountability reform and improving community police relations in our city," she said in a statement.

The union brought the suit on behalf of Kimberly M. Starr, a detective in the internal affairs unit, which investigates complaints about police. It's unclear why she was selected as the plaintiff.

David Rocah, a staff lawyer with the Maryland chapter of the American Civil Liberties Union, questioned Starr's role in the lawsuit. He called her involvement an example of "why people do not trust internal affairs" and the lawsuit an example of the union's "disdain for any accountability."

The ACLU filed a brief in the case supporting the Baltimore Police Department.

Baltimore police spokesman T.J. Smith said it wasn't a conflict of interest for Starr to be a plaintiff in the suit while also working as investigator in internal affairs. He said Starr "did not initiate the complaint, nor did she request it."

The Civilian Review Board lacks influence over police discipline; it can only make recommendations to the police commissioner, who has the final say. While the board receives files and investigates complaints, its recommendations to impose tougher discipline have been routinely dismissed.

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