

It's the law

November 23, 2007

Baltimore police need to brush up on the law - or get a new lawyer.

The department, in at least a handful of cases, has continued to demand that people waive their right to sue in order to expunge an arrest that occurred before October of this year and never led to a charge.

They've apparently got it wrong. That proviso was rightly changed this year by Maryland lawmakers because it was an unfair demand and an obstacle to someone trying to clear his name and record. The city's Police Department, which is taking another look at the law, should admit its mistake and abide by the law.

The changes in the expungement law were driven in part by the police practice of arresting people for loitering, drinking beer on the street and other minor offenses in an effort to prevent more serious crime. The practice led to thousands of arrests, but city prosecutors refused to file charges in as many as a third of the cases because they lacked legal grounds or because the person arrested had been in jail for as long as a reasonable punishment would require.

The American Civil Liberties Union contends that 21 percent of people arrested without a warrant in the first eight months of this year alone - 8,053 - have been released without charge.

The new law, which was signed by Gov. Martin O'Malley on April 10, requires the immediate expungement of an arrest made after Oct. 1 that did not lead to a formal charge. For people arrested and released without charge before Oct. 1, it repealed the requirement that they must waive their right to sue the police to have their record expunged within three years of arrest. But they still must apply for an expungement in writing.

An arrest record can be an impediment to all kinds of things - a job, a mortgage, a professional license. The law was changed for good reasons, and the city police need to change with it.

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