

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

EDWARD A. SHROPSHIRE
c/o Montgomery County Police Department
First District
1451 Seven Locks Road
Rockville, Maryland 20854

and

WILLIE E. PARKER-LOAN
c/o Montgomery County Department of Police
2350 Research Boulevard
Rockville, MD 20850

Plaintiffs

v.

Civil No. _____

MONTGOMERY COUNTY, MARYLAND
Executive Office Building
101 Monroe Street
Rockville, MD 20850

and

J. THOMAS MANGER
CHIEF OF POLICE
MONTGOMERY COUNTY, MARYLAND
2350 Research Boulevard
Rockville, MD 20850

Defendants

* * * * *

COMPLAINT

Plaintiffs Edward Shropshire and Willie Parker-Loan, through counsel, bring this
action against Defendants Montgomery County, Maryland and J. Thomas Manger and

state:

COUNT ONE

Declaratory Relief
(Md. Code Ann., Cts. & Jud. Pro. §§ 3-406 and 3-409)

1. Plaintiffs are seeking a declaratory judgment pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 3-406 and 3-409, for the purpose of determining a question of actual controversy between the parties, as hereinafter more fully appears.

2. Plaintiff Edward Shropshire (“Shropshire”) is a nonprobationary law enforcement officer under Section 3-101(e) of the Law Enforcement Officers’ Bill of Rights (“LEOBR”), Md. Code Ann., Public Safety §§ 3-101 - 3-113. He is employed by the Montgomery County Department of Police (“MCPD”) as a police sergeant in Montgomery County, Maryland.

3. Plaintiff Willie Parker-Loan (“Parker-Loan”) is a non probationary law enforcement officer under LEOBR Section 3-101(e). He is employed by the MCPD as a police captain in Montgomery County, Maryland.

4. Defendant Montgomery County is a chartered home rule county exercising all governmental functions granted by its Charter, by the Maryland Constitution and by Article 25A of the Annotated Code of Maryland.

5. Defendant J. Thomas Manger (“Manger”) is the chief of the “MCPD.”

6. Fraternal Order of Police, Montgomery County Lodge 35, Inc. (“FOP 35”) is the certified exclusive representative of police officers through the rank of sergeant

pursuant to Montgomery County Code § 33-76, including Plaintiff Shropshire. Plaintiff Parker-Loan is an active member of FOP 35.

7. The MCPD Internal Affairs Division (“IAD”) investigated Shropshire and Parker-Loan regarding allegations of administrative rule violations. The investigation, which was conducted by law enforcement officers, found no evidence of wrongdoing by either Plaintiff. The IAD case number is IAD No. 09-0001-FI.

8. On August 3, 2009, George Lacy, of the Montgomery County Government’s Office of Human Resources, notified FOP 35 that the Montgomery County Inspector General (“Inspector General”) had requested access to the internal affairs investigative records in IAD Case No. 09-0001-FI (“IAD File 09-0001-FI”) and that the MCPD will disclose the file to him.

9. FOP 35, in turn, notified Plaintiffs of the MCPD’s intent to disclose IAD File 09-0001-FI to the Inspector General.

10. Defendant Manger and the MCPD are subject to the Maryland Public Information Act, Md. Code Ann., State Gov’t §§ 10-611 *et seq.*

11. The MCPD has possession and control of IAD File 09-0001-FI. Manger is the “custodian” of these records under Md. Code Ann., State Gov’t § 10-611(c).

12. The Inspector General is an “applicant” under Md. Code Ann., State Gov’t § 10-611(b).

13. Plaintiffs Shropshire and Parker-Loan have a privacy interest in their internal affairs records.

14. Records of police internal affairs investigations are personnel records under Md. Code Ann., State Gov't § 10-616(i).

15. Personnel records are confidential under Md. Code Ann., State Gov't § 10-616(i).

16. Records of police internal affairs investigations are confidential under State law and thus exempt from disclosure pursuant to Code Ann., State Gov't § 10-615(1).

17. Plaintiffs assert that Defendant Manger has a clear duty to deny the Inspector General access to IAD File 09-0001 pursuant to Md. Code Ann., State Gov't § 10-615(1).

18. Plaintiffs assert that Defendant Manger has a clear duty to deny the Inspector General access to IAD File 09-0001 pursuant to Md. Code Ann., State Gov't § 10-616(i).

19. Plaintiffs assert that they have a plain and clear right to have Manger deny the Inspector General access to IAD File 09-0001 FI pursuant to Md. Code Ann., State Gov't §§ 10-615(1) and 10-616(i).

20. Defendants maintain that the custodian of records is required to give the Inspector General access to IAD File 09-0001. Defendants also contend that the Inspector General is seeking the records for an investigation he is conducting and that therefore, Md. Code Ann., State Gov't §§ 10-615(1) and 10-616(i) do not prohibit their disclosure.

21. Plaintiffs will face irreparable harm if their confidential personnel records are disclosed to the Inspector General.

22. There exists an actual controversy of a justiciable issue between Plaintiffs and Defendants within the jurisdiction of the Court involving the construction and application of Md. Code Ann., State Gov't §§ 10-615(1) and 10-616(i), which controversy may be determined by a judgment of this Court.

23. A declaratory judgment by this Court will serve to terminate this controversy.

24. Defendant Montgomery County, through counsel, has agreed that IAD File 09-0001-FI will not be released to the Inspector General without giving Plaintiffs notice and an opportunity to seek injunctive relief.

WHEREFORE, Plaintiffs Edward Shropshire and Willie Parker-Loan respectfully request that this honorable Court

A. Determine and adjudicate the rights of the parties with respect to the Inspector General's request to access IAD File 09-0001 FI.

B. Find and declare that Defendants have a duty to deny the Inspector General access to IAD File 09-0001 FI.

C. Award to Plaintiffs the costs of these proceedings.

D. Award to Plaintiffs such other and further relief as in law and justice it may be entitled to receive.

COUNT TWO

Writ of Mandamus
(Md. Rule 15-701)

25. Plaintiffs adopt by reference the allegations contained in paragraphs 2

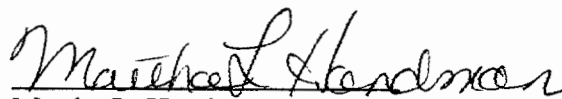
through 21 and 24 of this Complaint with the same effect as if herein fully set forth.

26. Plaintiffs Shropshire and Parker-Loan, pursuant to Maryland Rule 15-701, seek a writ of mandamus to compel Defendants to perform their statutory duties.

27. Plaintiffs have no adequate remedy by which they can protect their rights.

WHEREFORE, Plaintiffs Edward A. Shropshire and Willie E. Parker-Loan respectfully request that this honorable Court issue a Writ of Mandamus ordering Defendants to deny the Inspector General access to IAD File 09-0001 FI.

Respectfully submitted,



Martha L. Handman

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Attorney for Plaintiffs