



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

May 5, 2015

Mr. Gene S. Ryan, President
Fraternal Order of Police
Baltimore City Lodge No. 3
3920 Buena Vista Avenue
Baltimore, Maryland 21211

Dear Mr. Ryan:

I write to express my disappointment after reading your May 1, 2015 letter addressed to Maryland State Attorney Marilyn Mosby. My professional career prior to being elected to Congress involved thirteen years as Resident Superior Court judge and two years as Associate Justice on the State Supreme Court, a total of fifteen years in the judiciary. My thirty year legal career has provided me with insight into how our court system should work and the interplay between the individuals who have the responsibility to administer justice.

Your request for a Special Independent Prosecutor is illogical and unfounded in the law. Your statement that “none of the officers involved are responsible for the death of Mr. Gray” is reckless and irresponsible. You do not have the ability to make those determinations. It will be a jury verdict of Baltimoreans that will decide these cases after the parties present substantial evidence of guilt or innocence, not the Fraternal Order of Police.

Your letter states that you have full faith in Ms. Mosby’s professional integrity yet you conclude that there are conflicts of interest by her office in investigating the case. You specifically cite a personal and professional relationship between Ms. Mosby and defense counsel. You went on to state that the lead prosecutor has connections with the local media. And, finally, you recklessly state that the political career of Ms. Mosby’s husband will be impacted by her participation in these cases. These frivolous and inflammatory statements are repugnant to any citizen with knowledge of our criminal justice system.

Prosecutors in every jurisdiction across the country have relationships with the local bar but exercise their duty to prosecute cases without allowing those relationships to influence their zealotry in prosecuting the case. Rules of Professional Responsibility do not prevent a lawyer from participating in a case because of a friendship with the lawyer for the opposing litigant.

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Mr. Ryan, you have an important responsibility to advocate for law enforcement officers who serve our communities. That responsibility requires you to be assertive and present relevant facts for fair consideration of the issues in controversy. Your sacred responsibility is violated when you make accusations that do not lead to actionable violations of the Rules of Professional Responsibility.

You have damaged the good reputation of your organization in writing the letter, releasing it to the media, and making accusations that amount to nothing more than propaganda intended to interfere with the proper administration of justice. Undoubtedly, prospective jurors have read your letter which suggests that you could be trying to improperly influence public opinion in these cases.

I respectfully ask that you reconsider your statements and make the necessary corrections. These serious cases should proceed to trial using the customary procedures involved in other felony cases in the City of Baltimore and jurisdictions across the country.

Thank you very much.

Very truly yours,



G. K. Butterfield
Member of Congress



GENE S. RYAN
President

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May 1, 2015



LISA M. RIHA
Secretary

Ms. Marilyn Mosby, State's Attorney
Office of the State's Attorney for Baltimore City
120 East Baltimore Street, 9th Floor
Baltimore, MD 21202

An Open Letter from the Baltimore City Fraternal Order of Police

Dear Ms. Mosby,

Please allow this Open Letter to serve as my request, on behalf of the officers I represent as President of the Fraternal Order of Police for the Baltimore Police Department, that you appoint a Special Independent Prosecutor.

Each of the officers involved is sincerely saddened by Mr. Gray's passing. They are all committed police officers who have dedicated their careers to the Baltimore City Police Department. And that has been lost in all of the publicity. All death is tragic. And death associated with interaction with police is both shocking and frightening to the public. Not one of the officers involved in this tragic situation left home in the morning with the anticipation that someone with whom they interacted would not go home that night. As tragic as this situation is, none of the officers involved are responsible for the death of Mr. Gray. To the contrary, at all times, each of the officers diligently balanced their obligations to protect Mr. Gray and discharge their duties to protect the public.

I have full faith in your professional integrity. While I have the utmost respect for you and your office, I have very deep concerns about the many conflicts of interest presented by your office conducting an investigation in this case. These conflicts include your personal and professional relationship with Gray family attorney, William Murphy and the lead prosecutor's connections with members of the local media. Based on several nationally televised interviews, these reporters are likely to be witnesses in any potential litigation regarding this incident. Most importantly, it is clear that your husband's political future will be directly impacted, for better or worse, by the outcome of your investigation. In order to avoid any appearance of impropriety or a violation of the Professional Rules of Professional Responsibility, I ask that you appoint a Special Prosecutor to determine whether or not any charges should be filed.

We recognize that there are many dimensions to this situation: the public sentiments - on all sides; the investigation being conducted by your Office; the internal police investigation; and a necessary review of the tools, equipment, and resources afforded to Baltimore police officers in order to carry out their sworn duty as police officers.

Thank you for your time in reading this letter and I hope that this communication may serve to open up a dialogue in the future.


Gene Ryan
President FOP #3

- REPRESENTING THE PROFESSIONAL POLICE OFFICERS OF BALTIMORE CITY -