

## Freddie Gray officer had innocent man prosecuted as part of lengthy feud

**Brian Rice, charged with manslaughter in Gray death, accused ex-lover's husband of breaking a court order as part of a feud that police chiefs were warned about.**

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The Baltimore police lieutenant charged with the manslaughter of [Freddie Gray](#) had an innocent man arrested and prosecuted as part of a years-long personal feud over his love life that city police chiefs were repeatedly warned about.

Brian Rice filed criminal charges against his ex-girlfriend's husband in 2013, incorrectly accusing him of breaking a court order, according to sealed court documents obtained by the Guardian. Rice tried to have the same man, Andrew McAleer, arrested again two weeks before Gray's arrest last month.

The incident raises further doubts about whether [Baltimore](#) police department should have allowed Rice to remain in his job, according to policing experts. McAleer was acquitted after being arrested in a dawn snoop on his home by police. A county court judge later said McAleer had been charged because Rice was a police officer.

The Guardian reported on Friday that Rice used his position to demand McAleer's arrest on 29 March. Rice was also earlier accused of threatening to kill McAleer in 2012 and was given a temporary restraining order by a judge.

Rice, 41, initiated the arrest of Gray on 12 April after the 25-year-old "made eye contact" with him in a west Baltimore street and ran away. Gray was chased and subjected to an [arrest declared unlawful by the city's top prosecutor](#). Gray suffered a badly broken neck while travelling in a police van in handcuffs and shackles. He died a week later in hospital, prompting protests and unrest across the city.

The Guardian can also reveal that [another erratic episode involving Rice in June 2012](#) – in which Rice allegedly threatened to kill McAleer – was reported directly to his superior officer at the Western District police station in Baltimore. This supervisor, Major Cliff McWhite, was later

promoted to lieutenant colonel by the city's police commissioner, Anthony Batts, [but subsequently stepped down and was charged with theft in 2014](#).

Baltimore police spokespeople declined again to discuss any disciplinary action taken against Rice and how his fitness for work was assessed. He was given two lengthy administrative suspensions in 2012 and 2013, according to a police source, who said his firearms and police badge were taken away both times while Rice was restricted to paperwork. But then he returned to patrols.

Investigators from Baltimore police's internal affairs division, which looks into allegations against the department's officers, were making inquiries over the 29 March incident shortly before Rice's involvement in Gray's arrest, according to police records.

The 2013 prosecution of McAleer, reported here for the first time, related to a court order between the two men about the young son Rice had with McAleer's wife, Karyn. Rice had stipulated that McAleer could not supervise the boy alone. Late on 19 January, Rice called police to McAleer's house to investigate what he said was a violation of the order.

The police found Karyn McAleer had left another of her sons, aged 13, in charge of the younger boy while she was at work, and that Andrew McAleer was also in the house. According to a source familiar with the incident, the officers were initially satisfied that no violation had occurred, and left.

But at 2.16am, Rice filed an application to a Carroll County court for criminal charges against McAleer, alleging he had indeed violated the order and the arrangement placed Rice's 15-year-old son in danger. According to the source, Rice made his status as a police lieutenant known to the court commissioner, a claim on which Rice's attorneys declined to comment. The court issued a warrant and police were sent back to McAleer's house and arrested him.

McAleer was charged with violating the court order by prosecutors in Carroll County. He was bailed and released, according to the source. But he was then the subject of a court process lasting almost two months, before eventually being acquitted on 26 March, according to records from the office of the state's attorney for the county.

The following month, Carroll County circuit court Judge Thomas F Stansfield, who oversaw the court order on McAleer's access to Rice's son, addressed the incident – which he called “a serious episode” – in a court filing.

“Maryland law clearly allows a 13-year-old to supervise visitation with a younger child,” Stansfield wrote. “Because the natural father, Brian Scott Rice, is a police officer, he objected to supervision of visitation by the 13-year-old and attempted to pursue criminal charges against Mr McAleer.”

Records of the entire saga, including the court order over visitation rights and the prosecution of McAleer, have been expunged from Maryland's publicly accessible court and police files.

Copies were obtained by the Guardian from a source working in the criminal justice system in Maryland who was not authorised to release them to the media.

Another incident uncovered in Westminster police filings shows that in September 2013 Rice was accused of stealing Karyn McAleer's mail and throwing it into a public garbage can. The incident was reportedly witnessed by Andrew McAleer but there was no CCTV footage available. The case is marked "suspended at this time". Mail theft [is a federal crime](#) and carries a punishment of up to five years in prison.

Karyn and Andrew McAleer declined to comment. Attorneys for Rice did not respond to a series of detailed questions about the incidents involving McAleer. No one answered the door at the lieutenant's home in Maryland on Monday.

Professor Samuel Walker, emeritus professor of criminal justice at the University of Nebraska at Omaha, said the new findings raised "even more serious doubts" about Rice's suitability for frontline police work following earlier disclosures about his suspensions.

Jonathan Blanks, a research associate for the Cato Institute's study of police misconduct, said thanks to Maryland's law enforcement officers' bill of rights, which bans the disclosure of personnel files, "we don't know who is misbehaving" among Baltimore's ranks.

"One of the problems we see is that sometimes officers become repeat offenders because things are allowed to be handled in-house, and other times they get away with things altogether," said Blanks.